

**Executive Summary – Enforcement Matter – Case No. 46140**  
**Total Petrochemicals & Refining USA, Inc.**  
**RN102457520**  
**Docket No. 2013-0298-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Total Petrochemicals & Refining USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County

**Type of Operation:**

Petrochemical refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 19, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$21,188

**Amount Deferred for Expedited Settlement:** \$4,237

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$8,475

**Total Due to General Revenue:** \$1

Payment Plan: N/A

**SEP Conditional Offset:** \$8,475

Name of SEP: Southeast Texas Regional Planning Commission

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 46140**  
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**Docket No. 2013-0298-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 13, 2012, June 29, 2012 and October 31, 2012

**Date(s) of NOE(s):** May 15, 2012, July 25, 2012 and January 3, 2013

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, during an emissions event that occurred on January 10, 2012 and lasted five hours (Incident No. 163579), Respondent released 960.27 pounds of sulfur dioxide. The release occurred when an operator manually entered two commands that changed the output of the Coarse Air Ratio causing Sulfur Recovery Unit 5 ("SRU") to shutdown. Since the emissions event was avoidable, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1267, General Terms and Conditions and Special Terms and Conditions ("STC") No. 27, and New Source Review ("NSR") Permit Nos. 46396, PSDTX1073M2, and N044, Special Conditions No. 1].

2. Failed to prevent unauthorized emissions. Specifically, during an emissions event that occurred on April 11, 2012 and lasted one hour (Incident No. 167076), Respondent released 61.57 pounds of unauthorized volatile organic compounds from Tank 809 (Emission Point Number ("EPN") 22BZNTKFUG). The event occurred due to a lack of communication between two operators as product was being transferred between two tanks. Since the emissions event could have been avoided through better operator training, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 20381, PSDTX1005, and N044, Special Conditions No. 1, and FOP Permit No. O1267, STC Nos. 1.A. and 29].

3. Failed to prevent unauthorized emissions. Specifically, during an emissions event that occurred on August 2, 2012 and lasted two hours (Incident No. 172005), Respondent released 931.18 pounds of sulfur dioxide from SRU5, EPN 36SRUINCIN. This emissions event occurred due to a malfunction of equipment at Unit 881 which caused the environmental control at SRU5 to experience elevated emissions. Since this event was avoidable due to operator error, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 46396, PSDTX1073M1, and N044, Special Conditions No. 1, and FOP No. O1267, STC No. 29].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented following corrective measures:

- a. By August 20, 2012, conducted training sessions for personnel that are responsible for operating the transfer piping circuit. This training reviewed the circumstances of the emissions event on April 11, 2012, and the importance of clear cross communication to prevent a recurrence of Incident No. 167076; and
- b. By October 10, 2012, prepared a procedure specific to adding oxygen when the oxygen skid is in operational condition which provides warning statements on the control scheme in order to prevent a recurrence of Incident Nos. 16359 and 172005. Respondent also posted these procedures to Respondent's Intranet and is also reflected in the Operations Manual for SRUs 4 and 5, Volume II, Procedure No. 1.2.12.

**Technical Requirements:**

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Rajesh Acharya, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0577; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** Nigel Tranter, Refinery Manager, Total Petrochemicals & Refining USA, Inc., P.O. Box 849, Port Arthur, Texas 77641  
**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2013-0298-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Total Petrochemicals & Refining USA, Inc.

**Penalty Amount:** Sixteen Thousand Nine Hundred Fifty-One Dollars (\$16,951)

**SEP Amount:** Eight Thousand Four Hundred Seventy-Five Dollars (\$8,475)

**Type of SEP:** Contribution to a Third-Party Pre-Approved SEP

**Third-Party Recipient:** Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station

**Location of SEP:** Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at [http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site\\_info.pl](http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl).

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission  
Bob Dickinson, Director of Transportation & Environmental Resources  
Attention: SEP  
2210 Eastex Freeway  
Beaumont, Texas 77703

**3. Records and Reporting**

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in No. 3

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

|       |          |             |           |             |         |            |
|-------|----------|-------------|-----------|-------------|---------|------------|
| DATES | Assigned | 21-May-2012 | Screening | 28-Jun-2012 | EPA Due | 9-Feb-2013 |
|       | PCW      | 21-Feb-2013 |           |             |         |            |

## RESPONDENT/FACILITY INFORMATION

|                      |   |                    |       |
|----------------------|---|--------------------|-------|
| Respondent           | Total Petrochemicals & Refining USA, Inc. |                    |       |
| Reg. Ent. Ref. No.   | RN102457520                               |                    |       |
| Facility/Site Region | 10-Beaumont                               | Major/Minor Source | Major |

## CASE INFORMATION

|                                 |                 |                       |                    |
|---------------------------------|-----------------|-----------------------|--------------------|
| Enf./Case ID No.                | 46140           | No. of Violations     | 2                  |
| Docket No.                      | 2013-0298-AIR-E | Order Type            | 1660               |
| Media Program(s)                | Air             | Government/Non-Profit | No                 |
| Multi-Media                     |                 | Enf. Coordinator      | Ana Quinones       |
|                                 |                 | EC's Team             | Enforcement Team 4 |
| Admin. Penalty \$ Limit Minimum | \$0             | Maximum               | \$25,000           |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for thirteen NOVs with same/similar violations, twenty-seven NOVs with dissimilar violations, sixteen orders with denial of liability and two orders without denial of liability. Reduction for four notices of intent to conduct an audit and one disclosure of violations.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
Approx. Cost of Compliance   
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 28-Jun-2012

Docket No. 2013-0298-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Ana Quinones

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 13                | 65%     |
|                               | Other written NOVs   | 27                | 54%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 16                | 320%    |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2                 | 50%     |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 4                 | -4%     |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 1                 | -2%     |
| <i>Please Enter Yes or No</i> |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for thirteen NOVs with same/similar violations, twenty-seven NOVs with dissimilar violations, sixteen orders with denial of liability and two orders without denial of liability. Reduction for four notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

Screening Date 28-Jun-2012

Docket No. 2013-0298-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Ana Quinones

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1267, General Terms and Conditions and Special Terms and Conditions No. 27, and New Source Review Permit Nos. 46396, PSDTX1073M2, and N044, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, during an emissions event that occurred on January 10, 2012 and lasted five hours (Incident No. 163579), the Respondent released 960.27 pounds of sulfur dioxide. The release occurred when an operator manually entered two commands that changed the output of the Coarse Air Ratio causing Sulfur Recovery Unit 5 ("SRU5") to shutdown. Since the emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

|           |         |       |          |         |       |
|-----------|---------|-------|----------|---------|-------|
| OR        | Harm    |       |          | Percent |       |
|           | Release | Major | Moderate |         | Minor |
|           | Actual  |       |          |         | X     |
| Potential |         |       |          | 15.0%   |       |

>> Programmatic Matrix

|               |       |          |       |         |
|---------------|-------|----------|-------|---------|
| Falsification | Major | Moderate | Minor | Percent |
|               |       |          |       | 0.0%    |

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | weekly       |   |
|                         | monthly      |   |
|                         | quarterly    | X |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event |   |

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

|               |            |                              |
|---------------|------------|------------------------------|
|               | Before NOV | NOV to EDRP/Settlement Offer |
| Extraordinary |            |                              |
| Ordinary      |            |                              |
| N/A           | X          | (mark with x)                |

Notes The Respondent came into compliance on October 10, 2012, however, no good faith will be applied.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Estimated EB Amount \$19

Statutory Limit Test

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent** Total Petrochemicals & Refining USA, Inc.

**Case ID No.** 46140

**Reg. Ent. Reference No.** RN102457520

**Media** Air

**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** No commas or \$

**Delayed Costs**

| Equipment                |       |             | 0.00        | \$0  | \$0  | \$0  |
|--------------------------|-------|-------------|-------------|------|------|------|
| Buildings                |       |             | 0.00        | \$0  | \$0  | \$0  |
| Other (as needed)        |       |             | 0.00        | \$0  | \$0  | \$0  |
| Engineering/construction |       |             | 0.00        | \$0  | \$0  | \$0  |
| Land                     |       |             | 0.00        | \$0  | n/a  | \$0  |
| Record Keeping System    |       |             | 0.00        | \$0  | n/a  | \$0  |
| Training/Sampling        |       |             | 0.00        | \$0  | n/a  | \$0  |
| Remediation/Disposal     |       |             | 0.00        | \$0  | n/a  | \$0  |
| Permit Costs             |       |             | 0.00        | \$0  | n/a  | \$0  |
| Other (as needed)        | \$500 | 10-Jan-2012 | 10-Oct-2012 | 0.75 | \$19 | \$19 |

**Notes for DELAYED costs**

Estimated cost to implement measures to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 163579. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

| Disposal                      |  |  | 0.00 | \$0 | \$0 | \$0 |
|-------------------------------|--|--|------|-----|-----|-----|
| Personnel                     |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  | 0.00 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$19

Screening Date 28-Jun-2012

Docket No. 2013-0298-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Ana Quinones

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit Nos. 20381, PSDTX1005, and N044, Special Conditions No. 1, and Federal Operating Permit No. O1267, Special Terms and Conditions Nos. 1.A. and 29

Violation Description

Failed to prevent unauthorized emissions. Specifically, during an emissions event that occurred on April 11, 2012 and lasted one hour (Incident No. 167076), the Respondent released 61.57 pounds of unauthorized volatile organic compounds from Tank 809 (Emission Point No. 22BZNTKFUG). The event occurred due to a lack of communication between two operators as product was being transferred between two tanks. Since the emissions event could have been avoided through better operator training, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | X |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$375

|               | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary |            |                               |
| Ordinary      |            | X                             |
| N/A           |            | (mark with x)                 |

Notes

The Respondent completed corrective actions on August 20, 2012, after the Notice of Enforcement ("NOE") dated July 25, 2012.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

# Economic Benefit Worksheet

**Respondent** Total Petrochemicals & Refining USA, Inc.

**Case ID No.** 46140

**Reg. Ent. Reference No.** RN102457520

**Media** Air

**Violation No.** 2

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |       |             |             |      |     |     |     |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$200 | 11-Apr-2012 | 20-Aug-2012 | 0.36 | \$4 | n/a | \$4 |

**Notes for DELAYED costs**

Estimated costs to train operators and implement procedures in order to prevent another occurrence of this type of emissions event. The Date Required is the date of the emissions event and the Final Date is the date compliance was achieved.

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$200

**TOTAL**

\$4



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600582399, RN102457520, Rating Year 2011 which includes Compliance History (CH) components from September 1, 2006, through August 31, 2011.

|   |   |                                |                      |
|---|---|--------------------------------|----------------------|
| <b>Customer, Respondent, or Owner/Operator:</b> | CN600582399, Total Petrochemicals & Refining USA, Inc.                | <b>Classification:</b> AVERAGE | <b>Rating:</b> 3.77  |
| <b>Regulated Entity:</b>                        | RN102457520, TOTAL PETROCHEMICALS & REFINING USA PORT ARTHUR REFINERY | <b>Classification:</b> AVERAGE | <b>Rating:</b> 32.91 |
| <b>Complexity Points:</b>                       | 0   | <b>Repeat Violator:</b> NO     |                      |
| <b>CH Group:</b>                                | 02 - Oil and Petroleum Refineries                                     |                                |                      |
| <b>Location:</b>                                | 7600 32ND ST PORT ARTHUR, TX 77642-7901, JEFFERSON COUNTY             |                                |                      |
| <b>TCEQ Region:</b>                             | REGION 10 - BEAUMONT  |                                |                      |

**ID Number(s):**

|  |   |
|--|---|
| <b>INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50074</b>                           | <b>INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD065099160</b> |
| <b>INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30002</b> | <b>WASTEWATER PERMIT WQ0000491000</b>                     |
| <b>WASTEWATER EPA ID TX0004201</b>   | <b>AIR NEW SOURCE PERMITS REGISTRATION 11273</b>          |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 35330</b>                             | <b>AIR NEW SOURCE PERMITS PERMIT 46396</b>                |
| <b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0005H</b>                         | <b>AIR NEW SOURCE PERMITS REGISTRATION 55631</b>          |
| <b>AIR NEW SOURCE PERMITS AFS NUM 4824500037</b>                             | <b>AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453M1</b>       |
| <b>AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453</b>                            | <b>AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073</b>        |
| <b>AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073M1</b>                         | <b>AIR NEW SOURCE PERMITS EPA PERMIT N044</b>             |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 101772</b>                            | <b>AIR NEW SOURCE PERMITS REGISTRATION 101797</b>         |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 102135</b>                            | <b>AIR NEW SOURCE PERMITS REGISTRATION 101776</b>         |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 107454</b>                            | <b>AIR NEW SOURCE PERMITS REGISTRATION 108341</b>         |
| <b>AIR OPERATING PERMITS ACCOUNT NUMBER JE0005H</b>                          | <b>AIR OPERATING PERMITS PERMIT 1267</b>                  |
| <b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230048</b>                       | <b>STORMWATER PERMIT TXR15NF16</b>                        |
| <b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0005H</b>                        | <b>POLLUTION PREVENTION PLANNING ID NUMBER P00241</b>     |

|   |                          |                                |
|---|--------------------------|--------------------------------|
| <b>Compliance History Period:</b> September 01, 2006 to August 31, 2011 | <b>Rating Year:</b> 2011 | <b>Rating Date:</b> 09/01/2011 |
| <b>Date Compliance History Report Prepared:</b> August 10, 2012         |                          |                                |
| <b>Agency Decision Requiring Compliance History:</b> Enforcement        |                          |                                |
| <b>Component Period Selected:</b> August 10, 2007 to August 10, 2012    |                          |                                |

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Ana Quinones **Phone:** (512) 239-2545

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 10/23/2008 ADMINORDER 2007-1427-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 12E PERMIT  
56385, Special Condition 15 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service.  
EIC C1.0, MIN (3)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 4 PERMIT  
56385, Special Condition 5 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to comply with the conditions of a permit. EIC B18. MOD (2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 46396, Special Condition 8F PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to maintain a tank's exterior surface as white or aluminum. EIC B19g.(1) MOD (2)(G)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 49743, Special Condition 8 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to maintain permitted loading limit as found in permit. MOD (2)(G) EIC B19g.(1)

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 12F PERMIT  
56385, Special Condition 15 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to conduct fugitive monitoring on components. MIN (3)(A), EIC C1

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring.  
MOD (2)(G), EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 13 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G), EIC B18  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP

Description: Failure to obtain permit authorization for four carbon canisters. MOD (2)(D), EIC A2.a  
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 19965, Special Condition 2 PERMIT  
19965, Special Condition 5H PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to repair leaking components within 15 days after the leak was discovered. MOD (2)(G) EIC C4  
Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP

Description: Failure to conduct a visual inspection at least once every six months on an external floating roof tank.  
MOD(2)(E), EIC B1  
Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2, GC 8 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition (SC) 27 OP

Description: Failure to maintain permitted Carbon monoxide (CO) emissions rate for the FCCU Regenerator Stack. MOD (2)(D) EIC A8c(2)(A)(ii)  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 2347, SC 10 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to conduct compliance testing within sixty days after start-up of four heaters at the refinery. MOD (2)  
(A) EIC A8c(1)(G)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, SC 1 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)((D) EIC A8c((2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP

O-01267, SC 4 OP

Description: Failure to obtain permit authorization and properly control VOC emissions from two spent acid tanks. MOD  
(2)(D) EIC A2.a

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2, GC 8 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 2347, SC 1 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions limit. MOD (2)(D) EIC A8.c.(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9195A and PSD-TX-453M6, SC 3 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, SC 1A OP  
O-01267, SC 27 OP

Description: Failure to limit the discharge of any gases into the atmosphere to 250 ppm by volume (dry basis) of SO2 at zero % excess air, from any Claus Sulfur Recovery plant. MOD (2)(D), EIC A8c.(1)(B)  
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP  
O-01267, Special Condition 2F OP

Description: Failure to report the initial notification as soon as practical, but no later than 24-hours after the discovery of an emissions event. MIN (3)(C), EIC C3  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 16840 and PSD-TX-688M2, GC 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to maintain an emission rate below the allowable emission limit. MOD (2)(D), EIC A8c.(2)(A)(ii)

2 Effective Date: 11/06/2008 ADMINORDER 2008-0243-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 27 OP  
54026, Special Condition 1 PERMIT

Description: Failed to comply with the South Flare (EPN 53SOUTHFLR) MAER for SO2 on March 30, 2007. Specifically, the MAER is 10.66 lbs/hr. During the event which lasted one hour 15 minutes, the South Flare released 898.80 lbs of SO2, resulting in 885.47 lbs of unauthorized emissions. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381, PSD-TX-1005, N-044, SC 7E PERMIT  
O-02222, Special Condition 14 OP

Description: Failed to seal two open-ended lines, identified as Tag No. 01336 on the 40E-7A vessel and Tag No. 40,01668 located near pressure control valve PC 487, with a cap, plug, or blind flange. MIN (3)(C), EIC C10  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381, PSD-TX-1005, N-044, SC 6 PERMIT  
O-02222, Special Condition 14 OP  
O-02222, Special Condition 1A OP

Description: Failed to conduct inspections of external floating roof tanks once every six months. Specifically, in 2006,

Tank Nos. 800, 801, 802, and 805 were inspected only once in November, and Tank Nos. 800 and 802 were not inspected during the first six months of 2007. MOD (2)(E), EIC B1  
Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02222, General Terms and Conditions OP

Description: Failed to report the occurrence of all deviations in the semi-annual deviation report. Specifically, failed to include failure to conduct tank inspections during the first six months of 2006 in the May 14, 2006 - November 13, 2006 semiannual deviation report and failed to include an exceedance of the Condensate Splitter Heater firing rate during a recordable shutdown/startup activity that occurred on November 14 and 15, 2006 in the November 14, 2006 - May 13, 2007 report. MOD (2)(B), EIC B3

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 106, SubChapter K 106.261(a)(2)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02222, Special Condition 14 OP

20381, PSD-TX-1005, N-044, SC 1 PERMIT  
O-02222, General Terms and Conditions OP  
PBR Registration 74442 PERMIT

Description: Failed to comply with the Condensate Splitter Heater combined SO<sub>2</sub> maximum allowable emission rate ("MAER") of 6.08 lbs/hr. Specifically, on February 2, 2007 from 17:00 through 20:00, the rate varied from 7.16 to 11.33 lbs/hr, on February 21, 2007 at 19:00 was 7.37 lbs/hr, on March 14, 2007 at 20:00 was 6.30 lbs/hr, and April 14, 2007 at 20:00 was 8.68 lbs/hr. MOD (2)(D), EIC A8c.(2)(A)(ii) (Violation incorrectly cited as 106.261(2) in Order.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1267, General Terms and Conditions OP

1267, Special Condition 27 OP  
54026, Special Condition 1 PERMIT

Description: Failed to comply with the South Flare MAER for SO<sub>2</sub>, H<sub>2</sub>S, and NO<sub>x</sub>. Specifically, the MAERs for SO<sub>2</sub>, H<sub>2</sub>S, and NO<sub>x</sub> are 10.66 lbs/hr, 0.12 lbs/hr, and 32.99 lbs/hr, respectively. During the event which lasted one hour 20 minutes, the South Flare released 604.33 lbs of SO<sub>2</sub>, 6.60 lbs of H<sub>2</sub>S, and 65.00 lbs of NO<sub>x</sub>, resulting in unauthorized emissions of 590.12 lbs of SO<sub>2</sub>, 6.44 lbs of H<sub>2</sub>S, and 21.01 lbs/NO<sub>x</sub>. The demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1267, General Terms and Conditions OP

1267, Special Condition 2F OP

Description: Failed to submit final reports within two weeks after the end of reportable emissions events. Specifically, the final reports for the emissions events which occurred on August 17 and 29, 2007 should have been submitted by August 31 and September 12, 2007, respectively, but were not submitted until September 7 and 16, 2007, respectively. EIC C(3) MIN(3)(C)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1267, General Terms and Conditions OP

1267, Special Condition 27 OP  
54026, Special Condition 1 PERMIT

Description: Failed to comply with the SO<sub>2</sub> MAER for the North & South Flares on August 17 and 29, 2007. The North Flare (EPN 41NORTHFLR) and South Flare have a total combined rate of 10.66 lbs of SO<sub>2</sub> per hour. NSRP No. 54026 does not allow any emissions from the Sulfur Recovery Unit 3 ("SRU-3") Reactor. During an emissions event that lasted 9 hours and 35 minutes on August 17, the North Flare released a total of 4,138.74 lbs of SO<sub>2</sub>, of which 4,036.62 lbs were unauthorized. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 101, SubChapter F 101.201(c)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit the final report within two weeks after the end of a reportable emissions event and to include the proper authorization limits in the report. Specifically, the final report for the emissions event which occurred on August 1, 2007 should have been submitted by August 15, 2007, but was not submitted until August 20, 2007 and had the wrong H2S limit listed.

- 3 Effective Date: 11/17/2008 ADMINORDER 2008-0726-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 2.(F) OP  
Description: Failure to report emission events timely.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 49743, Special Condition 1 PERMIT  
Description: Failure to prevent the release of unauthorized contaminants into the atmosphere.
- 4 Effective Date: 03/23/2009 ADMINORDER 2008-1382-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Description: Failure to submit an Annual Compliance Certification (ACC) no later than 30 days after the end of the reporting period.
- 5 Effective Date: 04/05/2009 ADMINORDER 2008-0989-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 54026, SC 5D PERMIT  
O-01267, SC 27 OP  
Description: Failed to install analyzers which provide a record of the vent stream flow and composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of October 8, 2003. The analyzers should have been installed by April 10, 2005. MOD (2)(A) EIC B1  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 56385, SC 3 PERMIT  
O-01267, SC 27 OP  
Description: Failed to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006. MOD (2)(G) EIC B19g.(1)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 18936 and PSD-TX-762M2, GC 8 PERMIT  
O-01267, SC 27 OP  
Description: Failed to maintain allowable emissions rates. Specifically, the Respondent exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per year ("tpy") of VOC and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005. MOD (2)(D) EIC B18  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382.085(b)

Rqmt Prov: 2347, Special Condition 1 PERMIT

2347, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failed to comply with permitted NOx and PM emission limits for the 805 Charge Heater Stack (EPN 51DHT1H-1). Specifically, stack tests conducted on August 21, 2007 recorded emissions of an average of 3.16 lbs/hr of NOx, 0.043 lbs per MMBtu of NOx, and 2.61 lbs/hr of PM. The stack tests conducted on August 24, 2007 recorded emissions of an average of 0.72 lbs/hr of PM. The permitted emission limits for the 805 Charge Heater are 2.52 lbs/hr NOx, 0.47 lbs/hr PM, and 0.035 lbs/MMBtu of NOx.

6 Effective Date: 07/20/2009 ADMINORDER 2007-0172-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report three emissions events which began on December 9, 2003, at 6:25 p.m. from the SRU 1, Distillate Hydrotreater 2, and Amine Treater. The three incident reports were submitted more than 24 hrs after the discovery of the incidents. In addition, the report for SRU 1, listed an incorrect air permit number for the SRU and North Flare.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report two emissions events which began on December 9, 2003, at the North and South Flares. The reports for both flares had incorrect air permit numbers on them.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026 PERMIT

Permit No. 9195A/PSD-TX-453M6 SC 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from the North Flare, South Flare, Distillate Hydrotreater No. 2, SRU 1, and Amine Treater during the time period of December 9, 2003 through December 14, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(b)(10)

5C THSC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to properly report an emissions event that occurred at the Area 1 NAC which began on November 9, 2003. The event was not reported within 24 hrs, and the cause of the event was not complete in the report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from the South Flare on November 9, 2003. During the event at the Area 1 NAC, the Flare Gas Recovery System was down so that emissions were routed to the South Flare which exceeded the maximum allowable emission limits of 32.99 and 10.66 lbs/hr for SO2, and NOx, respectively. During the incident, the South Flare released 6,785.7 lbs of SO2, and 169 lbs of NOx.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

9195A, Special Condition 1 PERMIT

PSD-TX-453M6 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions release from the SCOT Tailgas Incinerator and North Flare on October 16, 2003 when an operator inadvertently closed a fuel gas supply control valve to the SCOT unit. The SCOT Tailgas Incinerator has emissions limits of 38.0 and 1.88 lbs/hr for SO2 and H2S, respectively. During an 8.5 hr period, from noon to 8:30 p.m. the incinerator released 6,735 lbs of SO2 and 100 lbs of H2S. The North Flare has an emission limit of 10.66 lbs/hr for SO2. D

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain the minimum flame temperature at the SRU Thermal Reactor [EPN F310] when  
**Published Compliance History Report for CN600582399, RN102457520, Rating Year 2011 which includes Compliance History (CH) components from August 10, 2007, through August 10, 2012.**

processing sour water stripping gas.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, Special Condition 6 PERMIT

Description: TOTAL has failed to maintain a minimum sulfur recovery efficiency of at least 99.9% at SRU I and SRU II on January 14-18, 23, and March 8-10, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 17352, Special Condition 4C PERMIT

Description: TOTAL has failed to replace spent canister media within five days after breakthrough was detected on December 16, 2003, in the three activated carbon canisters in which emissions from tanks 300, 302, 303, and 310-315 are routed through. On December 16, 2003, H2S breakthrough was discovered at the canisters. However, the spent media was replaced 6 days later.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, Special Condition 8 PERMIT

Description: TOTAL has failed to maintain an emission limit below the maximum allowable concentration for NOx and SO2 at the FCCU flue gas vent (EPN 55RGNFLUGS).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 43109, Special Condition 3A PERMIT

Description: TOTAL has failed to maintain the NOx emission limit below the allowable hourly average for Boilers 300 (EPN 61STKBLR) and 350 (EPN 61STKBLR) during the time period from January 7 to February 28, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, Special Condition 5B PERMIT

Description: TOTAL has failed to conduct proper maintenance at the Tank 926 Flare (EPN 22TK926FLR) and the Benzene Tank Flare (EPN 50BZTNKFLR) from January 2003 to April 2004.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Exemption 106 PERMIT

Description: TOTAL has failed to maintain a firing rate of 63 MMBtu/hr or less at the BTX Heater H-52 on February 3 and 4, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026 PERMIT

9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the Tailgas Thermal Oxidizer (EPN 125) and the North Flare (5) (EPN 41NORTHFLR) on April 28, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL failed to properly report an emissions event which occurred on June 21, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and to prevent unauthorized emissions from the C-200 Sour Fuel Gas Compressor on June 20-21, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report an emission event which occurred on February 25-27, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936 and PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) during intermittent lifting of the safety relief valve on C-1A&B at the Atmospheric Crude Unit No. 1 from February 25-27, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to satisfy the final reporting requirements for a reportable emission event which occurred on February 27, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to prevent the unauthorized release of 14.55 lbs of benzene into the atmosphere from a leak in the inlet line to the T-4 Recovery Tower on February 27, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to satisfy the final reporting requirements for a reportable emissions event which occurred on May 1-3, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL failed to prevent the release of unauthorized benzene emissions from a pinhole leak on the level bridle of the Depentanizer Overhead Drum on May 1-3, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the regional office of a reportable emissions event which occurred on July 17, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

5C THSC Chapter 382 382.085(a)

Rqmt Prov:18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and failed to prevent unauthorized emissions from the Sour Water Stripper 2 line during the emissions event on July 17, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report an emissions event at Compressor C-301 at the ACU-2 unit which began on December 22, 2003, and ended on December 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the North Flare (5) (EPN 41NORTHFLR) on December 22-23, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:PSD-TX-453M6, SC 2 PERMIT

Description: TOTAL has failed to comply with the emission limitations at the UNIBON Heater (EPNUNIBH301) and failed to prevent unauthorized emissions at the Area 1 Resid Processing Complex on February 23-26, 2004, when a valve on the startup line between the heater and V-7 was left open.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
5C THSC Chapter 382 382.085(b)

Description: TOTAL has failed to properly report an emissions event that occurred at NGL Sphere 848 on March 16-17, 2004.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to prevent the unauthorized release of ten lbs of benzene from NGL Shpere 848 on March 16-17, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A/PSD-TX-453M6, MAERT PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - SSM activities, during an emissions event which began on February 8, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, SC 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Two emissions events occurred respectively on July 14 and July 22, 2004, at EPN 41NORTHFLARE, with respective durations of 53.33 and 14.97 hrs, emitting significant quantities of SO2 and H2S.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, SC 4 PERMIT

54026, SC 5C PERMIT

Description: TOTAL has failed to properly operate EPN 53SOUTHFLR. During an 18 min time period beginning at 15:45 on July 23, 2004, EPN 53SOUTHFLR smoked for a period of six min and two seconds.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable rate for the South Flare (EPN 142) during an emissions event which started on September 21, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A/PST-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - SSM activities. Two such events began on August 16 and September 21, 2003, respectively.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Regional Office within 24 hrs of the reportable emissions events of February 8 - 22, 2003, with respect to EPN 307 and the reportable emission events of September 21, 2003, with

respect to EPNs 307 and 142.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record containing a compound descriptive type of all individually listed compounds to have been released during SSM activity, their estimated total quantities, and the authorized emissions limits for applicable compounds. Twenty-five incomplete final reports were submitted or missing for emissions event occurring between December 31, 2003, and August 18, 2004. Note that some emissions events had two such reports, one for VOC and one for other emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record no later than two weeks after the end of the scheduled SSM activity. The plant failed to submit a final records as required for an emissions event which began January 30, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable limits. There are 16 emissions events between December 31, 2003, and August 18, 2004, which exceeded the MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable limit on December 31, 2003, when EPN 41NORTHFLR released 27,704.51 lbs of SO2 for 4.55 hrs in excess of its 4.13 lbs/hr limit; CO, NOx and VOC emissions were not reported.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 43109, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission event releases in excess of the MAERT limit of 38 lbs/hr for SO2 and 1.88 lbs/hr for H2S: on May 23, 2004, during a 2 hr and 22 min period, 93.49 lbs of H2S and 9,380 lbs of SO2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission events in excess of the MAERT limit of 38 lb/hr for SO2 and 1.88 lb/hr for H2S: on April 1, 2004, during a 5 hr and 5 min period, 211.65 lb of H2S and 21,036 lb of SO2.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Regional Office of the reportable emissions event of August 16 - 17, 2003, on two occasions with respect to EPN 307.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly submit a final record for 24 emission events with respect to common name of area, complete identification and quantification of emitted compounds, or related limits: 10 which began on January 26, February 12, March 26 and 28, and April 11, 21, 22 (two reports), and 28, 2004, respectively; another five reports for emissions events beginning on July 14; and ten other reports for events beginning on July 22, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on January 26, 2004, (EPN) 55RGNFLUGS at the FCCU released 13,491.01 lbs of CO in excess of limits and 12,714.71 lbs of SO2 in excess of limits, Intermittently for 72 hrs during a 356 hr period; no information available on the amount of PM released.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to prevent unauthorized emissions releases. Eleven emissions events occurred between February 12 and July 23, 2004, during which SO2, H2S, VOCs, CO, and NOx from EPNs 41NORTHFLARE, 53SOUTHFLR, or 53MIDFLARE.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 49743 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits. Specifically, on October 15, 2004, EPN 22TANK0475 at Tank 475 released approximately 3,358 lbs of VOCs in excess of permitted limits during a 209 hr period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record no later than 2 weeks after the end of the emissions event or scheduled activity causing the emissions. 3 final record reports were late: (1) for a scheduled emission event which ended on June 13, 2003, submitted late on July 3, 2003; (2) for the emissions event which started on April 21 and ended on April 22, 2004, submitted on May 11, 2004; and (3) for the emissions event that began on April 28 and ended on April 29, 2004, submitted on May 14, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on June 13, 2003, during a 3 hr 2 min period, the South Flare, EPN 142, released 5,073.07 lbs of SO2 in excess of the limit of 0.34 lbs/hr.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX453M6, SC 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable emission limits. Two emissions events occurred at the Tail Gas Thermal Oxidizer (EPN 125): (1) on July 14, 2004, during a 10.76 hr period, 44,784.01 lbs of SO2 and 469.74 lbs of H2S were emitted in excess of limits; (2) on July 23, 2004, for a 12.27 hr duration, 63,673.00 lbs of SO2 and 672.32 lbs of H2S were emitted above limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to completely speculate the VOC emissions in the final reports for emissions events that began on September 16 and October 15, 2004, and to specify the presence and quantity of CO released during an April 22, 2005, emissions event in its final report.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(5)  
30 TAC Chapter 101, SubChapter F 101.211(b)(8)

30 TAC Chapter 101, SubChapter F 101.211(b)(9)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to include all of the required information in the final reports submitted for the emission event reporting. Specifically, the missing information included failure to identify the Facility Identification Number or the EPN, contain the compound descriptive type, and the estimated total quantities emitted for Incident Numbers: 40432, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462, 42608, 42751, 42824, 42922, 42923, 42925, 43572, 45280, 38844, 38845, 38846, 38847, 38848, 39

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final report within two weeks if the information differs from the information provided in the initial notification. Specifically a final report was not submitted for Incident No. 40025 within 14 days. Also failed to submit the initial reports within 24 hrs for Incidents 39529 and 39788.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936, PSD-TX-762M2, General Condition 8 PERMIT

49743, Maximum Allowable Emission Rates PERMIT

54026, SPECIAL CONDITION 1 PERMIT

9195A, PSD-TX-453M6 (SC-1) PERMIT

PSD-TX-453M6, MAES - Special Condition 2 PERMIT

Description: TOTAL has emitted into the atmosphere unauthorized air contaminants during 15 emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, Special Condition 1 PERMIT

Permit No. 49743, (SC-1) PERMIT

Permit No. 54026, (SC-1) PERMIT

Permit No. 9193A, PSD-TX-453M6, (SC-2) PERMIT

Description: TOTAL has emitted into the atmosphere unauthorized air contaminants during 4 emission events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits during two emissions events. Specifically, beginning on September 16, 2004, EPN 53SOUTHFLR at the Area 1 East End Complex released approx. 254 lbs of H2S and 2,247 lbs of VOC in excess of permitted limits during a 1.08 hr period; beginning on November 14, 2004, EPN 41NORTHFLR at the Area 2 FCCU released approx. 86 lbs of H2S, 1,574 lbs of SO2, and 7964 lbs of VOC in excess of permitted limits during a 20.27 hr period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

30 TAC Chapter 101, SubChapter F 101.201(g)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to electronically submit the final report for the emissions event that began on November 14, 2004, and to notify the TCEQ within 24 hrs of the April 22, 2005, emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits. Beginning on April 22, 2005, EPN 55RGNFLGS at the Area 2 FCCU released approximately 377 lbs of NOx in excess of permitted limits during a 7 hr period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, Special Condition 1A PERMIT

18936/PSD-TX-762M2, Special Condition 8 PERMIT

Description: TOTAL has failed to maintain the SO2 and NOx concentrations below the maximum allowable limits. FCCU flue gas vent stack's CEMS documented an average hourly SO2 concentration greater than 50 ppm by volume from 2015 to 2115 and from 2200 to 2400 hrs and an average hourly NOx concentration greater than 70 ppm from 0815 to 1115 and from 1145 to 1830 on April 22, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to notify the Beaumont Regional Office within 24 hrs of a reportable emissions event. The event was discovered on October 31, 2004 at 0919 hrs and was reported on November 1, 2004 at 1132 hrs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

18936/PSD-TX-762M2, Special Condition 1A PERMIT

Description: TOTAL has failed to maintain an emission rate below the authorized emission limit. Unauthorized emissions of 7350.56 lbs of SO2 were released from the Wet Gas scrubber on October 31, 2004. Additionally, the SO2 concentration was not maintained below the maximum allowable limit of 50 ppm during the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 49743 PERMIT

Description: TOTAL has failed to prevent unauthorized VOC emissions of 432 lbs on November 8, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 1648.76 lbs of SO2 during a one hr thirty-six min emissions event which occurred at the South Flare on May 3, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain the VOCs emission rate below 7.56 lbs/hr. at the FPM Cooling Tower between May 17, 2005, and December 15, 2005. Cooling tower leaks occurring on May 31, July 20, September 7 - 27, and December 14 - 15, 2005 released 23,267.28, 11,899.72, 11,842 and 18,637.12 lbs of unauthorized VOCs respectively.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter P 106.371

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: BY RULE 106.371 PERMIT

Description: TOTAL has failed to maintain the VOCs emission rate below 0.07 lbs/hr at the 805 Reformer Cooling Tower from March 15, until March 18, 2005 when unauthorized emissions of 560.8 lbs of benzene, 1062.6 lbs of toluene, and 88.8 lbs of xylene (a total of 1,712.2 lbs of VOCs) occurred.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit No. 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 1835.42 lbs of SO2 during a nine hr emissions event which occurred at the Middle Flare (EPN-53 MIDFLARE) on June 19, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Beaumont Regional Office of a reportable emissions event. Specifically, an emissions event began on June 19, 2005 at 11:45 hrs, but was not reported until June 20, 2005 at 15:53

**Published Compliance History Report for CN600582399, RN102457520, Rating Year 2011 which includes Compliance History (CH) components from August 10, 2007, through August 10, 2012.**

hrs, in excess of the 24 hr reporting requirement.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit by Rule, Registration No. 72930 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from Tank 532 (EPN 22TANK0532) on August 19, 2005 due to an emissions event. Specifically, unauthorized emissions of 66.42 lbs of 1,2,4-Trimethylbenzene, 5.76 lbs of Ethylbenzene, 43.84 lbs of hexane, 4.21 lbs of isopropyl benzene, 172.92 lbs of toluene, 1620.24 lbs of VOC, and 194.61 lbs of xylene were released.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.165(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02222 OP

Description: TOTAL has failed to report the occurrence of deviations in a SDR, failed to submit an ACC, and failed to properly certify a SDR. Specifically, TOTAL failed to properly certify their SDR for the period of May 14, 2005 to November 13, 2005, failed to report a deviation in the November 14, 2005 to May 14, 2006 SDR, and failed to submit an ACC for the period of May 14, 2005 to May 14, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 99.28 lbs of H2S and 9,078.06 lbs of SO2 from Unit 835. The permitted limits for H2S and SO2 are 0.12 lbs/hr and 10.66 lbs/hr, respectively. The event occurred on July 17, 2006, and lasted for 5 hrs and 14 mins.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18963\PSD-TX-762M3, General Condition 8 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

Description: TOTAL has failed to maintain VOCs emissions below the allowable emissions rate. Specifically, 592,311 lbs of unauthorized VOC from the FPM Cooling Tower were released from July 12 through November 27, 2006, due to exchanger leaks within the saturated Liquids and Crude Units.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

O-1267, General Terms & Conditions OP

O-1267, Special Terms & Conditions 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 7.35 lbs of H2S and 675.88 lbs of SO2 during a 14.57 hr emissions event which occurred at the South Flare during the startup of Unit 804 on December 29, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

9195A and PSD-TX-453M6, SC 1 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 229.98 lbs of H2S, 22,144.41 lbs of SO2, 352.24 lbs of NOx, 666.45 lbs of Carbon Monoxide CO, 19.42 lbs of PM, 30.76 lbs of VOC, and 10.10 lbs of NH3 from the North and South Flares and the Sulfur Recovery Tail Gas Oxidizer during a 4 hr 40 minute emissions event on November 29, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 13.51 lbs of H2S and 1264.68 lbs of SO2 from the North and South Flares during a 2 hr 42 min emissions event on December 10, 2006.

7 Effective Date: 10/04/2009 ADMINORDER 2009-0491-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02222 OP

Description: Failure to submit an Annual Compliance Certification (ACC) no later than 30 days after the end of the reporting period. EIC A8 MOD (2)(B) HPV

8 Effective Date: 10/31/2009 ADMINORDER 2008-0413-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 54026, Special Conditions 1 PERMIT  
O-01267, Special Condition 26 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267, Special Condition 2(F) OP

Description: Failure to properly report an emission event.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 56409, Special Condition 1 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 20381, Special Condition 1 PERMIT  
O-02222, Special Condition 14 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9195A, Special Condition 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 26 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

- Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:1267, General Terms and Conditions OP  
 1267, Special Terms and Conditions 27 OP  
 49136, General Condition 8 PERMIT  
 Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8(c)(2)(A)(ii) MOD(2)(D)
- 9 Effective Date: 03/20/2010 ADMINORDER 2009-1446-AIR-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:General Condition 8 PERMIT  
 Special Condition 26 OP  
 Description: Failure to maintain allowable emissions rates.
- 10 Effective Date: 07/11/2010 ADMINORDER 2009-1921-AIR-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:General Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 28 OP  
 Description: Failure to maintain an emission rate below the allowable emission limit.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:General Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 28 OP  
 Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c(2)(A)(ii) MOD (2)(D)
- 11 Effective Date: 08/09/2010 ADMINORDER 2009-2089-AIR-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:Special Condition 1 PERMIT  
 Special Condition 14 OP  
 Description: Failure to maintain allowable emissions rates. A8c(2)(A)(ii).
- 12 Effective Date: 08/30/2010 ADMINORDER 2010-0257-AIR-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov:Special Condition 28 OP  
 Special Condition PERMIT  
 Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii) MOD (2)(D)  
 Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2F OP

Description: Failure to properly report emission events. EIC C3 MIN (3)(C)

13 Effective Date: 08/30/2010 ADMINORDER 2006-0561-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381/PSD-TX-1005/N-044 PERMIT  
O-02222/Special Condition 14 OP

Description: Failure to maintain the specific heat factors for the Condensate Splitter Heater EPN 40CSPLth-1. Specifically, on June 22, July 11, 22, and 23, August 3, September 20 and 28, and November 8, 2004, the CO heat specific factor of 0.011 pounds per million British Thermal Units ("lbs/MMBtu") per hour was exceeded for a total of 15 hours. Also, on July 10 and 22, 2004, the NOx heat specific factor of 0.08 lbs/MMBtu per hour was exceeded for a total of 22 hours.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(15)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP O2222 General Terms and Conditions OP  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 9A OP

Description: Failure to include a certificate of accuracy and completeness signed by a responsible official in reports submitted to the ED. Specifically, the following reports were not certified by a responsible official: the 05/14/04 to 11/14/04, and 11/15/04 to 05/14/05, deviation reports for FOP No. 2222; the 05/14/04 to 05/14/05, annual compliance certification for FOP No. 2222; the 11/22/04 to 05/22/05, deviation report for FOP No. 1267; and the CEMS Certification Report submitted 10/28/05.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381/PSD-TX-1005/N-044 PERMIT  
O-02222/Special Condition 14 OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct the annual seal gap measurements on Tanks 800, 801, and 802 for the period covering May 14, 2004 to May 14, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381/PSD-TX-1005/N044 PERMIT  
O-02222, Special Condition 14 OP

Description: Failure to comply with the PM and VOC emission rates. Specifically, on February 17 and March 18, 2005, the Plant experienced heater duty exceedances during which the PM and VOC emission rates limits of 2.32 and 0.57 lb/hr, respectively, were exceeded for the condensate splitter heater EPN 40CSPLth-1.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to list a rule citation in the November 14, 2004 to May 14, 2005, semiannual deviation report for FOP No. 2222. Specifically, TOTAL failed to list 30 Tex. Admin. Code § 115.114(a)(2) as part of the requirements to physically measure Tanks 800, 801, 802, and 805 for seal gaps on an annual basis. Also, for the November 22, 2004 through May 22, 2005, reporting period TOTAL failed to report deviations for FOP 1267.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: Failure to maintain the VOC emission rate at the FPM Cooling Tower. Specifically, due to leakage during a 44 hr, 6 minute period from January 12-14, 2005, the tower released 2,125.93 lbs of VOCs, which is 1,792.5 lbs above permitted limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 56382, Special Condition 19B PERMIT

56385, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct and record daily calculations of Mixed Liquid Suspended Solids, food-to-microorganism ratios, and residence time. Specifically, records were not created and maintained for Aeration Tanks 403A, 403B, and 403C from November 22, 2004 through May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5694A, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to comply with the fired duty rate at four emission units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter B 115.114(a)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(II)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct annual seal gap measurements on Tanks 22TANK0503, 67TANK0504, 67TANK0505, 20TANK2001, AND 20TANK2002.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct semiannual visual tank seal inspections. Specifically, TOTAL failed to conduct visual inspections between November 22, 2004 and May 22, 2005, on 28 floating roof tanks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(I)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16840/PSD-TX-688M2, Special Condition 2 PERMIT

16840/PSD-TX-688M2, Special Condition 4B PERMIT

18936/PSD-TX-762M2, Special Condition 7 PERMIT

18936/PSD-TX-762M2, Special Condition 8 PERMIT

2347, Special Condition 5 PERMIT

3615/PSD-TX-058, Special Condition 2 PERMIT

43109, Special Condition 3A PERMIT

43109, Special Condition 3B PERMIT

43109, Special Condition 5 PERMIT

55684, Special Condition 7 PERMIT

9194A/PSD-TX-453M6, Special Condition 3 PERMIT

9195A/PSD-TX-436M6 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to maintain emission limits in seven emissions areas.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1D OP

Description: Failure to submit a FOP revision application no later than April 11, 2005, to codify 40 C.F.R. ch. 63, subpart UUU, into the permit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, Special Condition 5D PERMIT

54026, Special Condition 6 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to install and operate a continuous flow monitor/analyzer within 18 months (April 8, 2005) of permit issuance on October 2, 2003. Specifically, analyzers had not been installed on the North, Middle, or South flares.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, Special Condition 6 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to maintain the minimum sulfur recovery efficiency of the Sulfur Recovery Unit ("SRU"). Specifically, from June 30 until July 5, 2005, the sulfur recovery efficiency at the SRU (SRU 1 and 3) was less than 99.9%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 15(a) OP

Description: Failure to conduct annual monitoring of benzene containers. Specifically, TOTAL failed to conduct annual monitoring on vacuum trucks managing benzene waste at the Plant for the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 15(a) OP

Description: Failure to conduct quarterly visual inspections of benzene containers. Specifically, TOTAL failed to conduct quarterly visual inspections on vacuum trucks managing benzene waste at the Plant during the first three quarters of the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 56385, Special Condition 12L PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct quarterly visual inspections of unburied sewer lines. Specifically, TOTAL did not conduct quarterly visual inspections on unburied VOC-bearing sewer lines on the Wastewater Collection and Treatment System between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 56385, Special Condition 9A PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct daily VOC breakthrough monitoring. Specifically, the Carbon Absorption System (CAS) at the Plant was not monitored on weekends from November 22, 2004 through November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 15(a) OP

Description: Failure to install a car-seal on the CAS. Specifically, from May 22 to November 21, 2005, the CAS did not have a car-seal or other closure to serve as a flow indicator of bypass conditions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct monthly valve monitoring. Specifically, TOTAL is limited to seven (less than 3%) difficult-to-monitor valves; however, eight valves (3.2%), listed as difficult-to-monitor, out of 243 valves at the 829 Amine Unit, were not monitored on a monthly basis during the first quarter of the November 22, 2004 to November 21, 2005 period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to explain and authorize the delay of repair of VOC component leaks in a semiannual report. Specifically, the delay of repair explanation and authorization signature were not submitted for five components at 812-ACU1 in the deviation report for FOP 1267 covering May 22 to November 21, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to notify the agency 30 days prior to a seal gap test. Specifically, TOTAL failed to notify the TCEQ of TOTAL's intent to conduct a seal gap test on Tanks 22TANK0505, 22TANK0482, and 22TANK0530.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 24 OP

Description: Failure to maintain the proper temperature at the Reformer Unit. Specifically, from September 5 to September 7, 2005, the Reformer Unit did not maintain the proper required temperature established by testing.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 24 OP

Description: Failure to use an EPA-approved method to identify chlorides. Specifically, on 99 occasions from May 22 until November 21, 2005, TOTAL did not use an EPA-approved method to identify chlorides on the Catalytic Cracking Regenerator ("CCR") catalyst.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, Special Condition 4 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to maintain the proper temperature at the Dock Flare 2 Stack. Specifically, on 50 occasions from May 22 to November 21, 2005, the firebox exit temperature was less than 1580 degrees F.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 17920, Special Condition 9A PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct audio, visual, and olfactory (AVO) checks at least once per shift. Specifically, AVO checks for VOC, ammonia, and hydrogen sulfide at the Sour Water Stripper Facility were not conducted from May 22, to July 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 2347, Special Condition 8A PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to conduct AVO checks for leaks every four hours. Specifically, AVO checks at the DHT-1 and DHT-2 Units were not conducted from May 22 until July 27, 2005.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9195A/PSD-TX-453M6, SC 5 PERMIT  
O-01267, SC 27 OP

Description: Failure to maintain reactor flame temperature. Specifically, from December 6, 2004 to January 31, 2005, February 13 through 23, 2005, March 18 to April 29, 2005, and May 6 through 23, 2005, the reactor flame temperature of 2200 degrees F (amended on July 7, 2005, to 2114 degrees F) was not maintained at SRU 3.  
Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct visual inspections on internal floating roof tank seals. Specifically, TOTAL failed to conduct annual visual inspections on the roof seals for tanks 22TANK0926, 50TANK0928, 50TANK0929, and 50TANK0930 for the period ending May 22, 2005.  
Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roofs. Specifically, TOTAL failed to conduct annual seal gap measurements on 23 tanks for the period ending May 22, 2005.  
Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct seal gap inspections on external floating roof storage tanks. Specifically, TOTAL failed to conduct annual seal gap inspections for the period ending May 22, 2005, for tank 22TANK0938.  
Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit correct semi-annual reports. Specifically, TOTAL failed to specify in two semi-annual reports from November 22, 2004 to November 21, 2005, whether actions taken during shutdowns, startups, and maintenance (SSM) were performed according to SSM plans.

14 Effective Date: 05/08/2011 ADMINORDER 2009-0131-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions No. 8 PERMIT  
Special Condition 1 PERMIT  
Special Condition 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for volatile organic compounds ("VOCs") were exceeded for 12 tanks during 2006: 22TANK0482 by 0.5 ton, 22TANK0516 by 0.042 ton, 22TANK0530 by 1.08 tons, 22TANK0537 by 0.18 ton, 22TANK0541 by 5.16 tons, 22TANK0542 by 4.95 tons, 22TANK0906

by 0.65 ton, 22TANK0907 by 0.65 ton, 22TANK0917 by 1.37 tons, 22TANK0918 by 1.72 tons, 22TANK0934 by 0.39 ton, and 20TANK2000 by 0.1 ton.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 27 OP  
Special Condition 8 PERMIT

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for five combustion sources were exceeded during 2006: 17REFREGEN by 2.7 tons for carbon monoxide ("CO"), 17REFREGEN by 0.8 ton for hydrogen chloride, 22BZNTKFLR by 0.77 ton for CO, 45DOCKFLR2 by 0.41 ton for VOC, 45DOCKFLR2 by 2.55 tons for nitrogen oxides ("NOx"), 51DHT1H-3 by 1.52 tons for NOx, 52DHT2H-2A by 3.83 tons for NOx.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267 General Terms and Conditions QP  
O-01267 Special Condition 2F OP

Description: Failed to properly report an emissions event. Specifically, the Respondent did not submit an accurate final report for Incident No. 115548. The Respondent failed to accurately document emission point names and numbers where the unauthorized emissions were released to the atmosphere, the compound descriptive type of all compounds released during the event, and the respective quantities of those compounds released

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267 General Terms and Conditions OP  
O-01267 Special Condition 26 OP  
Permit 54026 Special Condition 1 PERMIT  
Permit 9195A Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 115548. Specifically, an emissions event at the North Flare (41NORTHFLR), South Flare (53 SOUTHFLR), and Sulfur Recovery Unit (15SRUINCIN) occurred on October 16, 2008 releasing 37,937.78 pounds ("lbs") of sulfur dioxide and 362.12 lbs of hydrogen sulfide for a period of nine hours and 20 minutes.

15 Effective Date: 07/31/2011 ADMINORDER 2010-1300-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT  
Special Condition 1 PERMIT  
Special Condition 2 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT  
Special Terms and Conditions 28 PERMIT

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT  
Special Condition 2 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 3 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 8 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 3 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain proper temperature at the chlorosorb inlet. EIC A8 C(1)(B) MOD (2)(G)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT  
Special Condition 1 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 4 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to authorize Tank 586, EPN 22TANK0586, for its current service. EIC A2.c MOD (2)(G)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 28 OP

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(II)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 18 PERMIT  
Special Condition 19 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in. MOD (2)(D)

16 Effective Date: 08/27/2011 ADMINORDER 2011-0260-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-1005, Special Condition 1 PERMIT  
PSD-TX-1005, Special Condition 12 PERMIT  
Special Condition 17 OP

Description: Failure to maintain allowable emissions rates and firing rates at Emission Point Number (EPN) 40CSPLTH-1. EIC A8c.(2)(A)(ii) MOD(2)(D)

17 Effective Date: 04/05/2012 ADMINORDER 2011-1477-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267, Spec Terms and Cond No 29 OP  
Permit No. 5694A, Gen Cond No. 8 PERMIT  
Permit Nos 18936 & PSDTX762M3, MAERT PERMIT  
Permit Nos 18936 & PSDTX762M3, SC 8 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limit, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the carbon monoxide ("CO") hourly emission rate, exceeded the sulfur dioxide ("SO2") hourly emission rate, and exceeded the CO and SO2 concentration limits at Emissions Point Number (EPN) 55RGNFLUGS, resulting in the total release of 600.07 lbs of CO and 628

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267, Spec Terms & Cond 29 OP  
Permit No. 8983A, Spec Cond No 1 PERMIT  
Permit Nos. 3615 and PSDTX058, GC 1 PERMIT  
Permit Nos. 9194A and PSDTX453M6, SC 1 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, on January 8 and January 10, 2010, the Respondent exceeded the allowable hourly emissions rates for four heaters, resulting in the release of 6.53 lbs of SO<sub>2</sub>.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(I)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(I)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267 SC No 29 OP  
Permit No. 43109, Spec Cond No 3 PERMIT  
Permit No. 43109, Spec Cond No 8 PERMIT  
Permit Nos 9195A & PSDTX453M6 SC 1 PERMIT  
Permit Nos 9195A & PSDTX453M6 SC 3A ORDER  
Permit Nos 9195A and PSDTX453M6 SC 5 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limits, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the CO hourly emission rate and exceeded the NO<sub>x</sub> concentration limit at EPN 61STACKBLR, resulting in the total release of 1,090.14 lbs of CO. The Respondent exceeded the CO hourly emission rate, exceeded the SO<sub>2</sub> hourly emission rate, exceeded the hydrogen  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267, Spec Cond 29 OP  
Permit Nos. 9193A & PSDTX453M6, SC 2 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the periods of January 1, 2010 to March 31, 2010 and October 1, 2010 to December 31, 2010, the Respondent exceeded the CO hourly emission rate of 7.33 lbs/hr for 49 hours and the SO<sub>2</sub> hourly emission rate of 2.64 lbs/hr for one hour at EPN 13UNIBH301, resulting in the total release of 173.28 lbs of CO and 0.62 lbs  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)(I)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01267 SC 29 OP  
Permit Nos. 46396 & PSDTX1073M1 SC 1 PERMIT  
Permit Nos. 46396 & PSDTX1073M1 SC 24 PERMIT  
Permit Nos. 46396 & PSDTX1073M1 SC 26 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, the concentration limit, and the minimum firebox temperature, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the period of October 1, 2010 to December 31, 2010, the Respondent exceeded the SO<sub>2</sub> hourly emission rate of 55.31 lbs/hr for six hours and exceeded the H<sub>2</sub>S hourly emission rate of 0.03 lbs/hr for six hours at EPN 25RUINCIN, resulting in the total release of 454.56 lbs of SO<sub>2</sub>  
Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. 01267 SC 29 OP  
PBR 30 Tex. Admin. Code § 106.472 PERMIT

Description: Failed to operate an emission source as represented in the authorization, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, from November 16, 2010 to December 20, 2010, the Respondent stored volatile organic compounds ("VOC") in Spent Acid Tank 923. The tank is authorized for spent acid and not for VOC service and is not equipped with proper control devices for VOC storage; therefore, all VOC emissions released from the tank are unauthorized. An

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. 01267 SC 29 OP  
Permit No. 56385, Spec Cond No. 1 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, between April 21, 2010 and December 6, 2010, the Respondent exceeded the allowable VOC hourly emissions rates for 21 EPNs during 70 monitoring events, resulting in the total release of 270.259 lbs of VOC.

18 Effective Date: 08/02/2012 ADMINORDER 2012-0087-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:46396, Special Condition 1 PERMIT  
54026, Special Condition 1 PERMIT  
8983A, Special Condition 1 PERMIT  
FOP 1267, General Terms and Conditions OP  
FOP 1267, Special Condition 29 OP

Description: Failed to prevent unauthorized emissions, as documented during a record review conducted from September 7, 2011 through October 14, 2011. Specifically, the Respondent released 502.02 pounds ("lbs") of hydrogen sulfide, 48,346.12 lbs of sulfur dioxide, 137.72 lbs of nitrogen oxides, 67.24 lbs volatile organic compounds, and 33.06 lbs of carbon monoxide from the North, South, and East Flares, Coke Heater 2, the Distillate Hydrotreater 3 Heater, the Sulfur Recovery Unit (SRU) 4 Tailgas Thermal

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CEDS Inv. Track. No.):**

|         |                    |          |
|---------|--------------------|----------|
| Item 1  | August 20, 2007    | (601546) |
| Item 2  | September 17, 2007 | (601547) |
| Item 3  | September 26, 2007 | (573894) |
| Item 4  | October 23, 2007   | (619450) |
| Item 5  | November 08, 2007  | (594034) |
| Item 6  | November 16, 2007  | (595084) |
| Item 7  | November 20, 2007  | (619451) |
| Item 8  | November 27, 2007  | (594170) |
| Item 9  | December 10, 2007  | (610704) |
| Item 10 | December 21, 2007  | (619452) |
| Item 11 | January 16, 2008   | (612034) |
| Item 12 | January 31, 2008   | (613691) |
| Item 13 | February 18, 2008  | (671960) |

|         |                    |          |
|---------|--------------------|----------|
| Item 14 | March 03, 2008     | (616707) |
| Item 15 | March 18, 2008     | (671961) |
| Item 16 | April 03, 2008     | (618981) |
| Item 17 | April 07, 2008     | (640577) |
| Item 18 | April 09, 2008     | (636187) |
| Item 19 | May 08, 2008       | (646149) |
| Item 20 | May 09, 2008       | (654397) |
| Item 21 | May 13, 2008       | (689880) |
| Item 22 | May 14, 2008       | (646173) |
| Item 23 | June 13, 2008      | (653949) |
| Item 24 | June 18, 2008      | (654558) |
| Item 25 | June 23, 2008      | (433051) |
| Item 26 | July 08, 2008      | (683932) |
| Item 27 | July 09, 2008      | (683891) |
| Item 28 | July 18, 2008      | (680236) |
| Item 29 | July 20, 2008      | (686130) |
| Item 30 | July 22, 2008      | (686798) |
| Item 31 | August 01, 2008    | (683847) |
| Item 32 | August 02, 2008    | (686525) |
| Item 33 | August 11, 2008    | (710654) |
| Item 34 | September 26, 2008 | (710655) |
| Item 35 | November 03, 2008  | (710657) |
| Item 36 | November 25, 2008  | (704294) |
| Item 37 | December 08, 2008  | (709730) |
| Item 38 | December 15, 2008  | (721187) |
| Item 39 | December 30, 2008  | (707925) |
| Item 40 | January 14, 2009   | (727426) |
| Item 41 | January 23, 2009   | (723990) |
| Item 42 | February 11, 2009  | (750182) |
| Item 43 | February 20, 2009  | (724769) |
| Item 44 | February 25, 2009  | (722192) |
| Item 45 | March 15, 2009     | (750183) |
| Item 46 | March 25, 2009     | (738580) |
| Item 47 | April 02, 2009     | (741283) |
| Item 48 | April 08, 2009     | (738716) |
| Item 49 | April 14, 2009     | (741430) |
| Item 50 | April 23, 2009     | (743539) |
| Item 51 | June 03, 2009      | (743882) |
| Item 52 | June 10, 2009      | (768294) |
| Item 53 | June 19, 2009      | (748246) |
| Item 54 | July 28, 2009      | (747611) |
| Item 55 | July 29, 2009      | (762923) |
| Item 56 | August 17, 2009    | (804455) |
| Item 57 | August 27, 2009    | (767640) |
| Item 58 | August 31, 2009    | (763762) |
| Item 59 | September 09, 2009 | (804456) |
| Item 60 | October 05, 2009   | (766803) |
| Item 61 | October 13, 2009   | (766561) |
| Item 62 | October 16, 2009   | (804457) |
| Item 63 | October 19, 2009   | (767318) |
| Item 64 | October 23, 2009   | (764009) |
| Item 65 | November 03, 2009  | (780844) |
| Item 66 | November 05, 2009  | (778036) |
| Item 67 | November 10, 2009  | (781160) |
| Item 68 | November 18, 2009  | (804458) |
| Item 69 | November 24, 2009  | (782730) |
| Item 70 | December 01, 2009  | (781499) |
| Item 71 | December 09, 2009  | (784593) |
| Item 72 | December 14, 2009  | (804459) |
| Item 73 | December 23, 2009  | (784332) |

|          |                    |           |
|----------|--------------------|-----------|
| Item 74  | December 29, 2009  | (784896)  |
| Item 75  | January 15, 2010   | (804460)  |
| Item 76  | February 08, 2010  | (788346)  |
| Item 77  | February 09, 2010  | (787401)  |
| Item 78  | February 15, 2010  | (786380)  |
| Item 79  | February 17, 2010  | (791215)  |
| Item 80  | March 10, 2010     | (830807)  |
| Item 81  | March 23, 2010     | (793733)  |
| Item 82  | March 30, 2010     | (795174)  |
| Item 83  | April 12, 2010     | (797840)  |
| Item 84  | April 13, 2010     | (797733)  |
| Item 85  | April 16, 2010     | (798879)  |
| Item 86  | April 26, 2010     | (795684)  |
| Item 87  | May 06, 2010       | (796813)  |
| Item 88  | May 28, 2010       | (824387)  |
| Item 89  | June 02, 2010      | (803580)  |
| Item 90  | June 10, 2010      | (846243)  |
| Item 91  | June 17, 2010      | (803554)  |
| Item 92  | July 13, 2010      | (860839)  |
| Item 93  | August 13, 2010    | (830163)  |
| Item 94  | September 14, 2010 | (873876)  |
| Item 95  | September 16, 2010 | (864088)  |
| Item 96  | September 20, 2010 | (844707)  |
| Item 97  | October 18, 2010   | (881477)  |
| Item 98  | October 28, 2010   | (869954)  |
| Item 99  | October 29, 2010   | (872259)  |
| Item 100 | November 03, 2010  | (864116)  |
| Item 101 | November 18, 2010  | (888008)  |
| Item 102 | December 17, 2010  | (896210)  |
| Item 103 | January 20, 2011   | (886654)  |
| Item 104 | February 12, 2011  | (894703)  |
| Item 105 | March 11, 2011     | (916319)  |
| Item 106 | April 08, 2011     | (924760)  |
| Item 107 | May 24, 2011       | (908045)  |
| Item 108 | June 10, 2011      | (914692)  |
| Item 109 | June 17, 2011      | (945323)  |
| Item 110 | August 10, 2011    | (933596)  |
| Item 111 | August 29, 2011    | (933491)  |
| Item 112 | September 12, 2011 | (951969)  |
| Item 113 | September 22, 2011 | (956724)  |
| Item 114 | October 11, 2011   | (971351)  |
| Item 115 | October 12, 2011   | (952093)  |
| Item 116 | October 14, 2011   | (958045)  |
| Item 117 | November 11, 2011  | (977511)  |
| Item 118 | November 29, 2011  | (958801)  |
| Item 119 | November 30, 2011  | (969375)  |
| Item 120 | December 09, 2011  | (984277)  |
| Item 121 | December 16, 2011  | (974564)  |
| Item 122 | January 13, 2012   | (990579)  |
| Item 123 | January 19, 2012   | (976971)  |
| Item 124 | February 07, 2012  | (982732)  |
| Item 125 | February 17, 2012  | (980732)  |
| Item 126 | February 24, 2012  | (988060)  |
| Item 127 | April 16, 2012     | (1010027) |
| Item 128 | April 19, 2012     | (988208)  |
| Item 129 | April 30, 2012     | (997171)  |
| Item 130 | May 08, 2012       | (1002073) |
| Item 131 | May 16, 2012       | (1002274) |
| Item 132 | May 18, 2012       | (1016422) |
| Item 133 | May 30, 2012       | (1002953) |

Item 134 June 09, 2012 (1008869)  
 Item 135 July 27, 2012 (1021025)  
 Item 136 August 09, 2012 (1015946)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 08/30/2007 (571169)
- Self Report? NO Classification: Moderate
- Citation: 18936 and PSD-TX-762M2, SC 7 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 27 OP
- Description: Failure to maintain the 70 parts per million by volume (ppmv) limit for Nitrogen oxides (NOx) on the Fluid Catalytic Cracking Unit (FCCU) Regenerator Stack. MOD (2)(D) EIC B18
- Self Report? NO Classification: Moderate
- Citation: 18936 and PSD-TX-762M2, SC 1A PERMIT  
 18936 and PSD-TX-762M2, SC 8 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 27 OP
- Description: Failure to maintain the 50 ppmv limit for Sulfur dioxide (SO2) on FCCU Regenerator Stack. MOD (2)(D) EIC B18
- Self Report? NO Classification: Moderate
- Citation: 18936 and PSD-TX-762M2, SC 8 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 27 OP
- Description: Failure to maintain the venturi pressure at its minimum rate. MOD (2)(G) EIC B19g.(1)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 46396, SC 4 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 27 OP
- Description: Failure to maintain the minimum temperatures required while loading products at the dock flares. MOD (2)(G) EIC B19g.(1)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 43109, SC 3A and B PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 27 OP
- Description: Failure to maintain the permitted NOx and CO limits for Package Boilers H-300 and H-350. MOD (2)(D) EIC B18
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 56385, SC 3 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 27 OP
- Description: Failure to monitor and record daily the food-to-microorganisms (F/M) ratio, the mixed liquid suspended solids (MLSS) ratio, and a residence time. MOD (2)(A) EIC B1
- Self Report? NO Classification: Moderate

Citation: 17352, SC 4C PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 27 OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G) EIC B1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267 SC 15A OP  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 1A OP

Description: Failure to conduct annual no-detectable emissions monitoring and quarterly visual inspections for containers managing benzene wastes. MOD (2)A EIC B1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 56385, SC 12L PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 27 OP

Description: Failure to conduct quarterly visual inspections on unburied sewer lines. MOD (2) (A) EIC B1

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 1A OP  
 O-01267, SC 27 OP

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service. MIN (3)(D) EIC C10

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 54026, SC 5D PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, SC 27 OP

Description: Failed to install analyzers which provide a record of the vent stream flow and composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of October 8, 2003. The analyzers should have been installed by April 10, 2005. MOD (2)(A) EIC B1

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 1D OP

Description: Failure to submit a revision application to codify the requirements in the permit of 40 CFR Part 63, Subpart UUU and 30 TAC 113.780 by April 11, 2005, in FOP O-01267. Min (3)(C), EIC C3

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5694A, GC 8 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01267, General Terms and Conditions OP  
 O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5694A, GC 8 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
8983A, SC 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
56385, SC 3 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, SC 27 OP

Description: Failed to maintain the food-to-microorganisms (F/M) ratio on the Enhanced  
Blodegradation Unit Aeration Tanks A, B, and C. Specifically, the Respondent  
failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of  
Biochemical Oxygen Demand per kilogram of biomass per day from September 1,  
2006 through November 21, 2006. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
9195A and PSD-TX-453M6, SC 5 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain minimum flame temperatures for four consecutive calendar  
quarters. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP

Description: Failure to submit a SDR no later than 30 days after the end of the November 21,  
2005 - May 22, 2006 reporting period. MOD (2)(B) EIC B3

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports  
and accurately certify an annual compliance certification. MOD (2)(B) EIC B3

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports  
and accurately certify an annual compliance certification. MOD (2)(B), EIC B3

Self Report? NO Classification: Moderate

Citation: 18936 and PSD-TX-762M2, GC 8 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, SC 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the Respondent  
exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per  
year ("tpy") of VOC and the Respondent reported emissions of VOCs for Tank 589  
to be 0.3312 tpy during 2005. MOD (2)(D) EIC B18

Self Report? NO Classification: Minor  
Citation: 20381, PSD-TX-1005, N-004, SC 7E PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02222, General Terms and Conditions OP  
O-02222, Special Condition 14 OP  
O-02222, Special Condition 1A OP  
Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.  
MIN(3)C), EIC C10

Self Report? NO Classification: Moderate  
Citation: 20381, PSD-TX-1005, N-044, SC 12 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02222, General Terms and Conditions OP  
O-02222, Special Condition 14 OP  
Description: Failure to maintain emission rates below the allowable emission limits. MOD (2)  
(D), EIC B18

Self Report? NO Classification: Minor  
Citation: 20381, PSD-TX-1005, N-044, SC 21 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)  
O-02222, General Terms and Conditions OP  
O-02222, Special Condition 14 OP  
O-02222, Special Condition 1A OP  
Description: Failure to submit a report within the required timeframes. MOD (3)C), EIC C3

3 Date: 02/14/2008 (679796) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

4 Date: 03/05/2008 (614708) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
Description: Failure to prevent the release of 35 barrels of FAS150 Petroleum Distillate on  
January 15, 2008 from Storage Tank 317.

5 Date: 03/14/2008 (614391) CN600582399  
Self Report? NO Classification: Minor  
Citation: 18936 and PSD-TX-762M3 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01267, Special Condition 27 OP  
Description: Failure to submit a stack test report within the required timeframe (60 days after  
sampling was completed). C3 Minor

6 Date: 03/31/2008 (671962) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

7 Date: 05/28/2008 (679929) CN600582399  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: Failure by Total Petrochemical to properly maintain units of conveyance by failing  
to prevent heavy siltation and debris/trash accumulation in Stormwater Control  
Structure A.

Self Report? NO Classification: Moderate

|    |              |  |                          |
|----|--------------|--|--------------------------|
|    | Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(5)<br>OpR 1 PERMIT  |                          |
|    | Description: | Failure by Total Petrochemicals to properly maintain Stormwater Control Structure E, by failing to maintain the underflow weir and unit sidewalls.   |                          |
|    | Self Report? | NO   | Classification: Moderate |
|    | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(c)<br>PC 2g PERMIT  |                          |
|    | Description: | Failure by Total Petrochemicals to prevent unauthorized discharge from the facility.   |                          |
|    | Self Report? | NO   | Classification: Moderate |
|    | Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>EL&MR 1, p2c PERMIT   |                          |
|    | Description: | Failure by Total Petrochemicals to comply with permitted effluent limitations for Total Organic Carbon samples collected from Outfall 004 on 03/09/2008, and 03/10/2008.   |                          |
| 8  | Date:        | 05/31/2008 (689881)  | CN600582399              |
|    | Self Report? | YES  | Classification: Moderate |
|    | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |                          |
|    | Description: | Failure to meet the limit for one or more permit parameter   |                          |
| 9  | Date:        | 06/06/2008 (641229)  | CN600582399              |
|    | Self Report? | NO   | Classification: Minor    |
|    | Citation:    | 2347, Special Condition 10E PERMIT<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>O-01267, Special Condition 27 OP   |                          |
|    | Description: | Failure to submit stack test report within applicable deadline (60 days after sampling was completed).   |                          |
| 10 | Date:        | 08/19/2008 (689537)  | CN600582399              |
|    | Self Report? | NO   | Classification: Moderate |
|    | Citation:    | 30 TAC Chapter 122, SubChapter B 122.143(4)<br>30 TAC Chapter 122, SubChapter B 122.145(2)(C)<br>5C THSC Chapter 382 382.085(b)<br>General Terms and Conditions OP   |                          |
|    | Description: | Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days after the end of the reporting period.   |                          |
| 11 | Date:        | 09/30/2008 (710656)  | CN600582399              |
|    | Self Report? | YES  | Classification: Moderate |
|    | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |                          |
|    | Description: | Failure to meet the limit for one or more permit parameter   |                          |
| 12 | Date:        | 11/30/2008 (727425)  | CN600582399              |
|    | Self Report? | YES  | Classification: Moderate |
|    | Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |                          |
|    | Description: | Failure to meet the limit for one or more permit parameter   |                          |
| 13 | Date:        | 01/22/2009 (683914)  | CN600582399              |
|    | Self Report? | NO   | Classification: Moderate |
|    | Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 1 PERMIT<br>Special Condition 27 OP<br>Special Condition 8 PERMIT |                          |
|    | Description: | Failure to maintain allowable emissions rates and concentrations.  |                          |
|    | Self Report? | NO   | Classification: Moderate |
|    | Citation:    | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 1 PERMIT<br>Special Condition 27 OP                               |                          |

Description: Failure to maintain allowable emissions rates.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 27 OP  
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 27 OP  
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27 OP  
Special Condition 6 PERMIT

Description: Failure to maintain allowable firing rates.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Special Condition 2 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates and concentrations.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27 OP  
Special Condition 5 PERMIT

Description: Failure to maintain minimum flame temperature of 2200 degrees Fahrenheit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP  
 Special Condition 9 PERMIT  
 Description: Failure to maintain operation parameters of scrubber circulation rate, liquid to gas ratio, and venture pressure drop as established in the last satisfactory stack test.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 27 OP  
 Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP  
 Special Condition 4 PERMIT  
 Special Condition 9 PERMIT  
 Description: Failure to maintain a vacuum greater than 1.5 inches of water on the marine vapor control system during loading operations.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP  
 Special Condition 5.B PERMIT  
 Description: Failure to conduct proper maintenance on Tank -926 flare and Benzene tanks flare.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 27 OP  
 Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP  
 Description: Failure to maintain the content of H2S below 0.1 grains per dry standard cubic foot (gr/dscf).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 23 PERMIT  
 Special Condition 27 OP  
 Description: Failure to maintain allowable amine circulation rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Permit By Rule (PBR) project 51314 PERMIT  
 Special Condition 27 OP  
 Special Condition 4 PERMIT  
 Description: Failure to maintain allowable firing rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP  
 Special Condition 3 PERMIT  
 Description: Failure to maintain proper temperature at the chlorosorb inlet.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 19 PERMIT  
 Special Condition 27 OP  
 Description: Failure to sample Ammonia from acid gas exiting the waste heat boiler.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 18 PERMIT  
 Special Condition 27 OP  
 Description: Failed to maintain allowable loading rate for 2-Methylnaphthalene and failed to authorized per 56385, Special Condition 18.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 27 OP  
 Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP  
 Description: Failure to perform visual tank inspections.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP  
 Description: Failure to perform visual tank inspections.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to obtain permit authorization for 4 tanks.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(II)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 PERMIT  
 Special Condition 14 PERMIT  
 Special Condition 27 OP  
 Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 113, SubChapter C 113.130  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP  
 Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 18 PERMIT  
 Special Condition 19 PERMIT  
 Special Terms and Conditions 28 OP  
 Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in.  
 MOD (2)(D)

14 Date: 04/03/2009 (735828) CN600582399  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days  
 after the end of the reporting period.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14 OP  
 Special Condition 6 PERMIT  
 Description: Failure to perform visual tank inspections.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 14 OP  
 Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14 OP  
 Special Condition 7E PERMIT  
 Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on  
 equipment in VOC service.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F).  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 12 PERMIT  
 Special Condition 14 OP  
 Description: Failure to maintain allowable emissions rates and Heat Specific Factors.

15 Date: 04/30/2009 (768293) CN600582399  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

16 Date: 06/18/2009 (745434) CN600582399  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.464(a)  
 5C THSC Chapter 382 382.085(b)

Description: Special Condition 1A OP  
 Failure to properly operate Tank 907, an external floating roof storage vessel.

17 Date: 08/26/2009 (761200) CN600582399  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 26 OP  
 Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 26 OP  
 Special Condition 3 PERMIT  
 Description: Failure to maintain allowable emissions rates and concentrations.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 26 OP  
 Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 2 PERMIT  
 Special Condition 26 OP  
 Description: Failure to maintain allowable emissions rates and concentrations.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 1 PERMIT  
 Special Condition 1 PERMIT  
 Special Condition 26 OP  
 Description: Failure to maintain allowable emissions rates and firing rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 26 OP  
 Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 26 OP  
 Special Condition 8 PERMIT  
 Description: Failure to maintain allowable emissions rates and concentrations. EIC B14 MOD(2)  
 (D)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Permit By Rule (PBR) project 51314 PERMIT  
 Special Condition 26 OP  
 Special Condition 4 PERMIT  
 Description: Failure to maintain allowable emissions rates and firing rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 26 OP  
 Special Condition 3 PERMIT  
 Description: Failure to maintain allowable emissions rates and concentrations.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Special Condition 5 PERMIT  
 Description: Failure to maintain minimum flame temperature of 2200 degrees Fahrenheit for  
 more than 168 hours in four consecutive calendar quarters for SRU-1.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13B PERMIT  
 Special Condition 26 OP  
 Description: Failure to maintain operation parameters of scrubber venture pressure drop as  
 established in the last satisfactory stack test.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UU 60.472(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 2 PERMIT  
 Special Condition 26 OP  
 Description: Failure to comply with an opacity limitation.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 1D OP  
 Special Condition 26 OP  
 Special Condition 5(I) PERMIT  
 Description: Failure to repair a leaking fugitive component within 15 days of detection.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1D OP  
 Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on  
 equipment in VOC service.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
 Special Condition 16 C PERMIT  
 Special Condition 26 OP  
 Description: Failed to maintain allowable loading rate for Benzene.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Special Condition 5 PERMIT  
 Description: Failure to collect loading vapors from atmospheric tank truck loading facility.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Description: Failure to authorize the Off Gas Treater (OGT) Cooling Tower for its current service.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Special Condition 4C PERMIT  
 Description: Failure to Monitor and record stack exhaust temperature.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Permits 9195A, 16840, and 43109 PERMIT  
 Special Condition 26 OP  
 Description: Failure to perform Cylinder Gas Audits (CGAs) during the third quarter of 2008 on the Continuous Emissions Monitoring Systems (CEMS) of EPNs 15SRUINCIN, 60COGENSTK, and 61BLRSTCK.

- 18 Date: 12/23/2009 (782403) CN600582399  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Permit by Rule (PBR) 74442 PERMIT  
 Special Condition 1 PERMIT  
 Special Condition 12 PERMIT  
 Special Condition 14 ORDER  
 Description: Failure to maintain allowable emissions rates and Heat Specific Factors.
- 19 Date: 12/31/2009 (761853) CN600582399  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 18 PERMIT  
 Special Condition 19 PERMIT  
 Special Terms and Conditions 28 OP  
 Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in. MOD (2)(D)
- 20 Date: 01/31/2010 (804454) CN600582399  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter
- 21 Date: 03/19/2010 (792686) CN600582399  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
General Condition 9 PERMIT  
Special Condition 28 OP  
Special Condition 2F OP

Description: Failure to properly report emission events. EIC C3

- 22 Date: 03/31/2010 (830808) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 23 Date: 04/30/2010 (830809) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 24 Date: 07/26/2010 (789923) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13 PERMIT  
Special Condition 26 OP  
Special Condition 9 PERMIT  
Description: Failure to maintain Venturi pressure drop above the 3 hour rolling average limit and the hourly average limit. EIC B19g.(1) MOD (2)(G)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 26 OP  
Various Permits PERMIT  
Description: Failure to maintain the content of H2S below 0.1 grains per dry standard cubic foot (gr/dscf). EIC B18 MOD(2)(D)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 26 OP  
Special Condition 3 PERMIT  
Description: Failure to maintain allowable emissions rates and concentrations. EIC B14 MOD(2)(D)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 1 PERMIT  
Special Condition 1 PERMIT  
Special Condition 26 OP  
Description: Failure to maintain allowable emissions rates and firing rates. EIC B14 MOD(2)(D)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)  
5C THSC Chapter 382 382.085(b)  
Special Condition 26 OP  
Special Condition 7B PERMIT  
Description: Failure to perform daily calibrations on a Continuous Emissions Monitoring System (CEMS) at EPN 60COGENSTK. EIC C1 MIN (3)(A)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 26 OP  
 Special Condition 3 PERMIT  
 Description: Failure to monitor a Delay of Repair (DOR) Leak Detection and Repair (LDAR) component to verify a repair within 15 days of the unit being returned to service. EIC B18 MOD (2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP

Description: Failure to repair a leaking fugitive component within 15 days of detection. EIC B18 MOD (2)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 113, SubChapter C 113.130  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP  
 Special Condition 26 OP  
 Special Condition 5 PERMIT  
 Various Permits PERMIT

Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service. EIC C10 MIN (3)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 27 OP

Description: Failure to maintain allowable emissions rates and firing rates. EIC B14 MOD(2)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(1)(C)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit of the quarterly report required by 40 CFR 61, Subpart BB, for the period of July 1, 2009, through September 30, 2009, in a timely manner. EIC C3 MIN (3)(C)

25 Date: 09/16/2010 (843917) CN600582399

Self Report? NO Classification: Moderate

Citation: PC 2g, Pg. 7 PERMIT

Description: Failure by Total Petrochemicals USA, Inc. to prevent the unauthorized discharge of wastewater or any other waste.

Self Report? NO Classification: Moderate

Citation: M&RR 5, Pg. 5 PERMIT

Description: Failure by Total Petrochemicals USA, Inc. accurately calibrate all automatic flow measuring devices and all totalizing meters for measuring flow by a trained person at plant start up and as often as necessary to ensure accuracy, but not less often than annually.

Self Report? NO Classification: Moderate

Citation: EL&MR 1, Pg. 2 PERMIT

Description: Failure by Total Petrochemicals USA, Inc. to comply with effluent limitations for biochemical oxygen demand and Cyanide at Outfall 001

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure by Total Petrochemical USA, Inc. to prevent the discharge or imminent threat of discharge of industrial solid waste or municipal hazardous waste into or adjacent to the waters in the state without obtaining specific authorization for such a discharge.

26 Date: 12/31/2010 (902281) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

27 Date: 01/31/2011 (909055) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

28 Date: 02/10/2011 (884352) CN600582399  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
PSD-TX-1005, Special Condition 7E PERMIT  
Special Condition 16 OP  
Special Condition 17 OP  
Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on  
equipment in VOC service. EIC C10 MIN (3)(D)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
PSD-TX-1005, Special Condition 6 PERMIT  
Special Condition 17 OP  
Description: Failure to perform twice a year inspections of primary and secondary seal gaps  
for tanks 800, 801, 082, and 805. EIC B1 MOD (2)(E)

29 Date: 04/30/2011 (937999) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

30 Date: 06/30/2011 (952597) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

31 Date: 07/31/2011 (959279) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

32 Date: 08/02/2011 (912317) CN600582399  
Self Report? NO Classification: Moderate  
Citation: & PSDTX058, SC 1 PERMIT  
& PSDTX762M3, SC 1.A PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC 1.A PERMIT  
SC 2 PERMIT  
SC 29 OP

SC 5 PERMIT  
 Description: Failure to maintain the content of H2S below 0.10 grains per dry standard cubic foot (gr/dscf) within the refinery fuel gas. EIC B18 MOD(2)(D)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 1 PERMIT  
 SC 29 OP  
 Description: Failure to maintain allowable emissions rates and firing rates at EPN DEMEXH-2.  
 EIC B14 MOD(2)(D)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 29 OP  
 Description: Failure to monitor the Carbon Adsorption System (CAS) at EPN 22TANK0516.  
 EIC C1 MOD(3)(A)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.  
 EIC C10 MIN (3)(D)  
 Self Report? NO Classification: Minor  
 Citation: 1.A OP  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(b)(2)(i)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to maintain the benzene content of each waste stream entering the waste management unit to less than 10 parts per million by weight (ppmw) on a flow weighted annual average basis.  
 EIC B18 MOD (2)(G)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(2)(i)  
 SC 1.A OP  
 Description: Failure to maintain the total benzene content of wastes, which have a flow-weighted average water content of 10 percent or greater on a volume basis as total water and each waste stream that is mixed with water or wastes at any time such that the resulting mixture has an annual water content greater than 10 percent, at or below 6.0 megagrams per year (6.6 tons per year).  
 EIC B18 MOD (2)(G)  
 Self Report? NO Classification: Moderate  
 Citation: & PSDTX1073M1, SC 15(f) PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 29 OP  
 Description: Failure to maintain Tank 924's exterior surface as white or aluminum.  
 EIC B19g.(1) MOD (2)(G)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 1 PERMIT  
 SC 29 OP  
 Description: Failure to maintain allowable emissions rates and firing rates at EPN 10DEMEXH-4.  
 EIC B14 MOD(2)(D)

Self Report? NO Classification: Moderate  
Citation: & PSDTX453M6, SC1 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP  
Description: Failure to maintain allowable emissions rates at EPN 01VACTH301.  
EIC B14 MOD(2)(D)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Description: Failure to provide notification of deviations.  
EIC C3 MIN (3)(C)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Description: Failure to accurately certify an Annual Compliance Certification (ACC) report.  
EIC C3 MIN (3)(C)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP  
SC 4.A PERMIT  
Description: Failure to maintain the minimum heating value of 300 British thermal unit per  
standard cubic foot (Btu/scf) in the combined assist gas and waste stream to the  
North Flare, EPN 41NORTHFLR.  
EIC B19.g(1) MOD(2)(D)

33 Date: 08/31/2011 (965311) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

34 Date: 02/29/2012 (1003463) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

35 Date: 04/03/2012 (994609) CN600582399  
Self Report? NO Classification: Moderate  
Citation: & PSDTX1073M1, SC 3A PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 29 OP  
Description: Failure to maintain minimum thermal oxidizer fire box exhaust temperature at  
Emission Point Numbers (EPNs) 45DOCKTO1 and 45DOCKTO2.  
EIC B19(g)(1) MOD (2)(G)

36 Date: 04/03/2012 (994608) CN600582399  
Self Report? NO Classification: Moderate  
Citation: & PSDTX453M6, SC 1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain allowable emissions rates at Emission Point Number (EPN) 01VACTH301.  
EIC B14 MOD(2)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC 1A OP

Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.  
EIC C10 MIN (3)(D)

Self Report? NO Classification: Moderate

Citation: & PSDTX1073M1, Special Condition (SC) 26 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain minimum SRU fire box temperature at EPN 25SRUINCIN and 36SRUINCIN.  
EIC B19.g(1) MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)  
5C THSC Chapter 382 382.085(b)  
SC 1A OP

Description: Failure to provide 30 day notification of seal gap inspections for 10 tanks.  
EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate

Citation: & PSDTX1073M1, SC 17 PERMIT  
& PSDTX1073M1, SC 18 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain allowable throughput rates at Docks 1 and 3.  
EIC B18 MOD (2)(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(3)  
5C THSC Chapter 382 382.085(b)  
SC 1 PERMIT  
SC 29 OP

Description: Failure to maintain allowable emissions rates and firing rates at EPN 10DEMEXH-4.  
EIC B14 MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP  
SC 4.A PERMIT

Description: Failure to maintain the minimum heating value of 300 British thermal unit per standard cubic foot (Btu/scf) in the combined assist gas and waste stream to the North Flare, EPN 41NORTHFLR.  
EIC B19.g(1) MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: & PSDTX1073M1, SC 15(f) PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: 5C THSC Chapter 382 382.085(b)  
SC 29 OP  
Failure to maintain Tank 517's exterior surface as white or aluminum.  
EIC B19g.(1) MOD (2)(G)

Self Report? NO Classification: Moderate

Citation: & PSDTX762M3, SC 9 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain gas pressure drop and liquid to gas ratio above the hourly limits within the FCCU Regenerator.  
EIC B19g.(1) MOD (2)(G)

Self Report? NO Classification: Moderate

Citation: & PSDTX1073M1, SC 1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain allowable emissions rates and firing rates at EPN 06VDU2CHTR.  
EIC B14 MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(b)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP  
SC 4.b PERMIT

Description: Failure to operate the North Flare, EPN 41NORTHFLR with a flame present.  
EIC B19.g(1) MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: & PSDTX453M6, SC 19 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to conduct required testing of ammonia concentration in the acid gas exiting the waste heat boiler in each sulfur train at least twice a year at SRUs 1 & 3, EPN 15SRUINCIN.  
EIC B1 MOD (2)(A)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failure to provide notification of deviations.  
EIC C3 MIN (3)(C)

Self Report? NO Classification: Moderate

Citation: & PSDTX1073M1, SC 5(D) PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition (SC) 29 OP

Description: Failure to calculate hourly mass emission rates from the continuous flow monitor at the Coker Flare, EPN 30CKRFLR.  
EIC B1, MOD (2)(A)

37 Date: 05/31/2012 (1024142) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

38 Date: 06/30/2012 (1031538) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Description: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Failure to meet the limit for one or more permit parameter

39 Date: 07/31/2012 (1021520) CN600582399  
Self Report? NO Classification: Moderate  
Citation: PC 2(g) PERMIT  
Description: Failure by Total Petrochemicals USA, Inc. to prevent the discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall.  
Self Report? NO Classification: Moderate  
Citation: ELMR 1 PERMIT  
Description: Failure by Total Petrochemicals USA, Inc. to discharge compliant effluent for total suspended solids at Outfall 005.

40 Date: 08/07/2012 (1015020) CN600582399  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(g)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27 OP  
Special Condition 4 PERMIT  
Description: Failure to submit 2 Flare stack test reports within 60 days after sampling was completed.

**F. Environmental audits:**

Notice of Intent Date: 11/14/2008 (721343)

No DOV Associated

Notice of Intent Date: 02/13/2009 (740077)

Disclosure Date: 08/14/2009

Viol. Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.355(c)(3)

Description: Failure to collect a minimum of three representative samples from each waste stream.

Notice of Intent Date: 09/08/2009 (776664)

No DOV Associated

Notice of Intent Date: 11/30/2011 (981069)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

|              |                 |             |                  |             |                |            |
|--------------|-----------------|-------------|------------------|-------------|----------------|------------|
| <b>DATES</b> | <b>Assigned</b> | 4-Jan-2013  | <b>Screening</b> | 29-Jan-2013 | <b>EPA Due</b> | 9-Feb-2013 |
|              | <b>PCW</b>      | 29-Jan-2013 |                  |             |                |            |

## RESPONDENT/FACILITY INFORMATION

|                             |   |                                 |
|-----------------------------|---|---------------------------------|
| <b>Respondent</b>           | Total Petrochemicals & Refining USA, Inc. |                                 |
| <b>Reg. Ent. Ref. No.</b>   | RN102457520                               |                                 |
| <b>Facility/Site Region</b> | 10-Beaumont                               | <b>Major/Minor Source</b> Major |

## CASE INFORMATION

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 46140           | <b>No. of Violations</b>     | 1                  |
| <b>Docket No.</b>                      | 2013-0298-AIR-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Air             | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Rajesh Acharya     |
|  |                 | <b>EC's Team</b>             | Enforcement Team 4 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$25,000           |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,750**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,750**

Notes: Enhancement for two NOVs with same or similar violations, six NOVs with dissimilar violations, seventeen orders with denial of liability and two orders without denial of liability. Reduction for four notices of intent to conduct an audit, one disclosure of violations, and one environmental management system.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$937**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts **\$5**  
 Approx. Cost of Compliance **\$500**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$6,563**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$6,563**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$6,563**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$1,312**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$5,251**

Screening Date 29-Jan-2013

Docket No. 2013-0298-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 2                 | 10%     |
|                               | Other written NOVs   | 6                 | 12%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 17                | 340%    |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2                 | 50%     |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 4                 | -4%     |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 1                 | -2%     |
| <i>Please Enter Yes or No</i> |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | Yes               | -10%    |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

**Adjustment Percentage (Subtotal 2)** 396%

>> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

**Compliance History Notes**

Enhancement for two NOVs with same or similar violations, six NOVs with dissimilar violations, seventeen orders with denial of liability and two orders without denial of liability. Reduction for four notices of intent to conduct an audit, one disclosure of violations, and one environmental management system.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 396%

>> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 100%

Screening Date 29-Jan-2013

Docket No. 2013-0298-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit Nos. 46396, PSDTX1073M1, and N044, Special Conditions No. 1, and Federal Operating Permit No. O1267, Special Terms and Conditions No. 29

Violation Description

Failed to prevent unauthorized emissions. Specifically, during an emissions event that occurred on August 2, 2012 and lasted two hours (Incident No. 172005), the Respondent released 931.18 pounds of sulfur dioxide from Sulfur Recovery Unit 5 ("SRU5"), Emission Point Number 36SRUINCIN. This emissions event occurred due to a malfunction of equipment at Unit 881 which caused the environmental control at SRU5 to experience elevated emissions. Since this event was avoidable due to operator error, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | X |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

|   |               |
|---|---------------|
|   |               |
| X |               |
|   | (mark with x) |

The Respondent came into compliance on October 10, 2012, before the NOE dated January 3, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

## Economic Benefit Worksheet

**Respondent:** Total Petrochemicals & Refining USA, Inc.

**Case ID No.:** 46140

**Reg. Ent. Reference No.:** RN102457520

**Media:** Air

**Violation No.:** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description               | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> |           |               |            |     |                |               |           |

### Delayed Costs

|                          |       |            |             |      |     |     |     |
|--------------------------|-------|------------|-------------|------|-----|-----|-----|
| Equipment                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |       |            |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        | \$500 | 2-Aug-2012 | 10-Oct-2012 | 0.19 | \$5 | n/a | \$5 |
| Remediation/Disposal     |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |            |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |            |             | 0.00 | \$0 | n/a | \$0 |

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures to ensure that the proper procedures are followed to prevent recurrence of emissions events due to the same causes. Date Required is the date of the emissions event. Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$5

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600582399, RN102457520, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN600582399, Total Petrochemicals & Refining USA, Inc. **Classification:** SATISFACTORY **Rating:** 28.20

**Regulated Entity:** RN102457520, TOTAL PETROCHEMICALS & REFINING USA. PORT ARTHUR REFINERY **Classification:** SATISFACTORY **Rating:** 55.00

**Complexity Points:** 50 **Repeat Violator:** NO

**CH Group:** 02 - Oil and Petroleum Refineries

**Location:** 7600 32ND ST PORT ARTHUR, TX 77642-7901, JEFFERSON COUNTY

**TCEQ Region:** REGION 10 - BEAUMONT

### ID Number(s):

**INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50074**

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID**

TXD065099160

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30002**

**WASTEWATER PERMIT WQ0000491000**

**WASTEWATER EPA ID TX0004201**

**AIR NEW SOURCE PERMITS REGISTRATION 11273**

**AIR NEW SOURCE PERMITS REGISTRATION 35330**

**AIR NEW SOURCE PERMITS PERMIT 46396**

**AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0005H**

**AIR NEW SOURCE PERMITS REGISTRATION 55631**

**AIR NEW SOURCE PERMITS AFS NUM 4824500037**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453M1**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073**

**AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073M1**

**AIR NEW SOURCE PERMITS EPA PERMIT N044**

**AIR NEW SOURCE PERMITS REGISTRATION 101772**

**AIR NEW SOURCE PERMITS REGISTRATION 101797**

**AIR NEW SOURCE PERMITS REGISTRATION 102135**

**AIR NEW SOURCE PERMITS REGISTRATION 101776**

**AIR NEW SOURCE PERMITS REGISTRATION 107454**

**AIR NEW SOURCE PERMITS REGISTRATION 108341**

**AIR OPERATING PERMITS ACCOUNT NUMBER JE0005H**

**AIR OPERATING PERMITS PERMIT 1267**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**

**STORMWATER PERMIT TXR15NF16**

1230048

**AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0005H**

**POLLUTION PREVENTION PLANNING ID NUMBER P00241**

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** March 20, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 20, 2008 to March 20, 2013

### TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** Rajesh Acharya

**Phone:** (512) 239-0577

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A  
Atofina PAR L.P., OWNER OPERATOR, 5/27/2003 to 12/5/2011
- 5) If YES, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**

1

Effective Date: 10/23/2008

ADMINORDER 2007-1427-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:56385, Special Condition 12E PERMIT  
56385, Special Condition 15 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service.  
EIC C10, MIN (3)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:56385, Special Condition 4 PERMIT  
56385, Special Condition 5 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to comply with the conditions of a permit. EIC B18. MOD (2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:46396, Special Condition 8F PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to maintain a tank's exterior surface as white or aluminum. EIC B19g.(1) MOD (2)(G)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:49743, Special Condition 8 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to maintain permitted loading limit as found in permit. MOD (2)(G) EIC B19g.(1)

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:56385, Special Condition 12F PERMIT  
56385, Special Condition 15 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to conduct fugitive monitoring on components. MIN (3)(A), EIC C1

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring.

MOD (2)(G), EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:56385, Special Condition 13 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G), EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, General Terms and Conditions OP

Description: Failure to obtain permit authorization for four carbon canisters. MOD (2)(D), EIC A2.a

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:19965, Special Condition 2 PERMIT  
19965, Special Condition 5H PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP  
O-01267, Special Condition 27 OP

Description: Failure to repair leaking components within 15 days after the leak was discovered. MOD (2)(G) EIC C4

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP

Description: Failure to conduct a visual inspection at least once every six months on an external floating roof tank.

MOD(2)(E), EIC B1

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:18936 and PSD-TX-762M2, GC 8 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition (SC) 27 OP

Description: Failure to maintain permitted Carbon monoxide (CO) emissions rate for the FCCU Regenerator Stack. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov:2347, SC 10 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to conduct compliance testing within sixty days after start-up of four heaters at the refinery. MOD (2)  
(A) EIC A8c(1)(G)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:56385, SC 1 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)((D) EIC A8c((2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, General Terms and Conditions OP

O-01267, SC 4 OP

Description: Failure to obtain permit authorization and properly control VOC emissions from two spent acid tanks. MOD  
(2)(D) EIC A2.a

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:18936 and PSD-TX-762M2, GC 8 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:2347, SC 1 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:9195A and PSD-TX-453M6, SC 1 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions limit. MOD (2)(D) EIC A8.c.(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:9195A and PSD-TX-453M6, SC 3 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, SC 1A OP  
O-01267, SC 27 OP

Description: Failure to limit the discharge of any gases into the atmosphere to 250 ppm by volume (dry basis) of SO2 at zero % excess air, from any Claus Sulfur Recovery plant. MOD (2)(D), EIC A8c.(1)(B)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, General Terms and Conditions OP  
O-01267, Special Condition 2F OP

Description: Failure to report the initial notification as soon as practical, but no later than 24-hours after the discovery of an emissions event. MIN (3)(C), EIC C3

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:16840 and PSD-TX-688M2, GC 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to maintain an emission rate below the allowable emission limit. MOD (2)(D), EIC A8c.(2)(A)(ii)

2 Effective Date: 11/06/2008 ADMINORDER 2008-0243-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:1267, General Terms and Conditions OP  
1267, Special Condition 27 OP  
54026, Special Condition 1 PERMIT

Description: Failed to comply with the South Flare (EPN 53SOUTHFLR) MAER for SO2 on March 30, 2007. Specifically, the MAER is 10.66 lbs/hr. During the event which lasted one hour 15 minutes, the South Flare released 898.80 lbs of SO2, resulting in 885.47 lbs of unauthorized emissions. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:20381, PSD-TX-1005, N-044, SC 7E PERMIT  
O-02222, Special Condition 14 OP

Description: Failed to seal two open-ended lines, identified as Tag No. 01336 on the 40E-7A vessel and Tag No. 40,01668 located near pressure control valve PC 487, with a cap, plug, or blind flange. MIN (3)(C), EIC C10

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:20381, PSD-TX-1005, N-044, SC 6 PERMIT  
O-02222, Special Condition 14 OP  
O-02222, Special Condition 1A OP

Description: Failed to conduct inspections of external floating roof tanks once every six months. Specifically, in 2006, Tank Nos. 800, 801, 802, and 805 were inspected only once in November, and Tank Nos. 800 and 802 were not inspected during the first six months of 2007. MOD (2)(E), EIC B1

Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-02222, General Terms and Conditions OP

Description: Failed to report the occurrence of all deviations in the semi-annual deviation report. Specifically, failed to include failure to conduct tank inspections during the first six months of 2006 in the May 14, 2006 -November 13, 2006 semiannual deviation report and failed to include an exceedance of the Condensate Splitter Heater firing rate during a recordable shutdown/startup activity that occurred on November 14 and 15, 2006 in the November 14, 2006 - May 13, 2007 report. MOD (2)(B), EIC B3

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 106, SubChapter K 106.261(a)(2)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-02222, Special Condition 14 OP  
20381, PSD-TX-1005, N-044, SC 1 PERMIT  
O-02222, General Terms and Conditions OP  
PBR Registration 74442 PERMIT

Description: Failed to comply with the Condensate Splitter Heater combined SO2 maximum allowable emission rate ("MAER") of 6.08 lbs/hr. Specifically, on February 2, 2007 from 17:00 through 20:00, the rate varied from 7.16 to 11.33 lbs/hr, on February 21, 2007 at 19:00 was 7.37 lbs/hr, on March 14, 2007 at 20:00 was 6.30 lbs/hr, and April 14, 2007 at 20:00 was 8.68 lbs/hr. MOD (2)(D), EIC A8c.(2)(A)(ii) (Violation incorrectly cited as 106.261(2) in Order.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:1267, General Terms and Conditions OP  
1267, Special Condition 27 OP  
54026, Special Condition 1 PERMIT

Description: Failed to comply with the South Flare MAER for SO2, H2S, and NOx. Specifically, the MAERs for SO2, H2S, and NOx are 10.66 lbs/hr, 0.12 lbs/hr, and 32.99 lbs/hr, respectively. During the event which lasted one hour 20 minutes, the South Flare released 604.33 lbs of SO2, 6.60 lbs of H2S, and 65.00 lbs of NOx, resulting in unauthorized emissions of 590.12 lbs of SO2, 6.44 lbs of H2S, and 21.01 lbs/NOx. The demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:1267, General Terms and Conditions OP  
1267, Special Condition 2F OP

Description: Failed to submit final reports within two weeks after the end of reportable emissions events. Specifically, the final reports for the emissions events which occurred on August 17 and 29, 2007 should have been submitted by August 31 and September 12, 2007, respectively, but were not submitted until September 7 and 16, 2007, respectively. EIC C(3) MIN(3)(C)

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:1267, General Terms and Conditions OP  
1267, Special Condition 27 OP  
54026, Special Condition 1 PERMIT

Description: Failed to comply with the SO2 MAER for the North & South Flares on August 17 and 29, 2007. The North

Flare (EPN 41NORTHFLR) and South Flare have a total combined rate of 10.66 lbs of SO<sub>2</sub> per hour. NSRP No. 54026 does not allow any emissions from the Sulfur Recovery Unit 3 ("SRU-3") Reactor. During an emissions event that lasted 9 hours and 35 minutes on August 17, the North Flare released a total of 4,138.74 lbs of SO<sub>2</sub>, of which 4,036.62 lbs were unauthorized. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 101, SubChapter F 101.201(c)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit the final report within two weeks after the end of a reportable emissions event and to include the proper authorization limits in the report. Specifically, the final report for the emissions event which occurred on August 1, 2007 should have been submitted by August 15, 2007, but was not submitted until August 20, 2007 and had the wrong H<sub>2</sub>S limit listed.

3 Effective Date: 11/17/2008 ADMINORDER 2008-0726-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Rqmt Prov:1267, General Terms and Conditions OP  
1267, Special Condition 2.(F) OP

Description: Failure to report emission events timely.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:49743, Special Condition 1 PERMIT

Description: Failure to prevent the release of unauthorized contaminants into the atmosphere.

4 Effective Date: 03/23/2009 ADMINORDER 2008-1382-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failure to submit an Annual Compliance Certification (ACC) no later than 30 days after the end of the reporting period.

5 Effective Date: 04/05/2009 ADMINORDER 2008-0989-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:54026, SC 5D PERMIT  
O-01267, SC 27 OP

Description: Failed to install analyzers which provide a record of the vent stream flow and composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of October 8, 2003. The analyzers should have been installed by April 10, 2005. MOD (2)(A) EIC B1

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:56385, SC 3 PERMIT  
O-01267, SC 27 OP

Description: Failed to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006.

MOD (2)(G) EIC B19g.(1)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:18936 and PSD-TX-762M2, GC 8 PERMIT  
O-01267, SC 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the Respondent exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per year ("tpy") of VOC and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005. MOD (2)(D) EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:2347, Special Condition 1 PERMIT

2347, Special Condition 3 PERMIT

0-01267, Special Condition 27 OP

Description: Failed to comply with permitted NOx and PM emission limits for the 805 Charge Heater Stack (EPN 51DHT1H-1). Specifically, stack tests conducted on August 21, 2007 recorded emissions of an average of 3.16 lbs/hr of NOx, 0.043 lbs per MMBtu of NOx, and 2.61 lbs/hr of PM. The stack tests conducted on August 24, 2007 recorded emissions of an average of 0.72 lbs/hr of PM. The permitted emission limits for the 805 Charge Heater are 2.52 lbs/hr NOx, 0.47 lbs/hr PM, and 0.035 lbs/MMBtu of NOx.

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Effective Date: 07/20/2009

ADMINORDER 2007-0172-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report three emissions events which began on December 9, 2003, at 6:25 p.m. from the SRU 1, Distillate Hydrotreater 2, and Amine Treater. The three incident reports were submitted more than 24 hrs after the discovery of the incidents. In addition, the report for SRU 1, listed an incorrect air permit number for the SRU and North Flare.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report two emissions events which began on December 9, 2003, at the North and South Flares. The reports for both flares had incorrect air permit numbers on them.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026 PERMIT

Permit No. 9195A/PSD-TX-453M6 SC 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from the North Flare, South Flare, Distillate Hydrotreater No. 2, SRU 1, and Amine Treater during the time period of December 9, 2003 through December 14, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(b)(10)  
5C THSC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to properly report an emissions event that occurred at the Area 1 NAC which began on November 9, 2003. The event was not reported within 24 hrs, and the cause of the event was not complete in the report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, Special Condition 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from the South Flare on November 9, 2003. During the event at the Area 1 NAC, the Flare Gas Recovery System was down so that emissions were routed to the South Flare which exceeded the maximum allowable emission limits of 32.99 and 10.66 lbs/hr for SO2, and NOx, respectively. During the incident, the South Flare released 6,785.7 lbs of SO2, and 169 lbs of NOx.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, Special Condition 1 PERMIT

9195A, Special Condition 1 PERMIT

PSD-TX-453M6 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions release from the SCOT Tailgas Incinerator and North Flare on October 16, 2003 when an operator inadvertently closed a fuel gas supply control valve to the SCOT unit. The

SCOT Tailgas Incinerator has emissions limits of 38.0 and 1.88 lbs/hr for SO<sub>2</sub> and H<sub>2</sub>S, respectively. During an 8.5 hr period, from noon to 8:30 p.m. the incinerator released 6,735 lbs of SO<sub>2</sub> and 100 lbs of H<sub>2</sub>S. The North Flare has an emission limit of 10.66 lbs/hr for SO<sub>2</sub>. D

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain the minimum flame temperature at the SRU Thermal Reactor [EPN F310] when

processing sour water stripping gas.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:9195A/PSD-TX-453M6, Special Condition 6 PERMIT

Description: TOTAL has failed to maintain a minimum sulfur recovery efficiency of at least 99.9% at SRU I and SRU II on January 14-18, 23, and March 8-10, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:17352, Special Condition 4C PERMIT

Description: TOTAL has failed to replace spent canister media within five days after breakthrough was detected on December 16, 2003, in the three activated carbon canisters in which emissions from tanks 300, 302, 303, and 310-315 are routed through. On December 16, 2003, H<sub>2</sub>S breakthrough was discovered at the canisters. However, the spent media was replaced 6 days later.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2, Special Condition 8 PERMIT

Description: TOTAL has failed to maintain an emission limit below the maximum allowable concentration for NO<sub>x</sub> and SO<sub>2</sub> at the FCCU flue gas vent (EPN 55RGNFLUGS).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:43109, Special Condition 3A PERMIT

Description: TOTAL has failed to maintain the NO<sub>x</sub> emission limit below the allowable hourly average for Boilers 300 (EPN 61STKBLR) and 350 (EPN 61STKBLR) during the time period from January 7 to February 28, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:46396, Special Condition 5B PERMIT

Description: TOTAL has failed to conduct proper maintenance at the Tank 926 Flare (EPN 22TK926FLR) and the Benzene Tank Flare (EPN 50BZTNKFLR) from January 2003 to April 2004.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085(b)

Rqmt Prov:Standard Exemption 106 PERMIT

Description: TOTAL has failed to maintain a firing rate of 63 MMBtu/hr or less at the BTX Heater H-52 on February 3 and 4, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026 PERMIT

9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the Tailgas Thermal Oxidizer (EPN 125) and the North Flare (5) (EPN 41NORTHFLR) on April 28, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL failed to properly report an emissions event which occurred on June 21, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Permit No. 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and to prevent unauthorized emissions from the C-200 Sour Fuel Gas Compressor on June 20-21, 2003.  
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report an emission event which occurred on February 25-27, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936 and PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) during intermittent lifting of the safety relief valve on C-1A&B at the Atmospheric Crude Unit No. 1 from February 25-27, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to satisfy the final reporting requirements for a reportable emission event which occurred on February 27, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to prevent the unauthorized release of 14.55 lbs of benzene into the atmosphere from a leak in the inlet line to the T-4 Recovery Tower on February 27, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to satisfy the final reporting requirements for a reportable emissions event which occurred on May 1-3, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL failed to prevent the release of unauthorized benzene emissions from a pinhole leak on the level bridle of the Depentanizer Overhead Drum on May 1-3, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the regional office of a reportable emissions event which occurred on July 17, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)  
5C THSC Chapter 382 382.085(a)

Rqmt Prov:18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and failed to prevent unauthorized emissions from the Sour Water Stripper 2 line during the emissions event on July 17, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report an emissions event at Compressor C-301 at the ACU-2 unit which began on December 22, 2003, and ended on December 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the North Flare (5) (EPN 41NORTHFLR) on December 22-23, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:PSD-TX-453M6, SC 2 PERMIT

Description: TOTAL has failed to comply with the emission limitations at the UNIBON Heater (EPNUNIBH301) and failed to prevent unauthorized emissions at the Area 1 Resid Processing Complex on February 23-26, 2004, when a valve on the startup line between the heater and V-7 was left open.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
5C THSC Chapter 382 382.085(b)

Description: TOTAL has failed to properly report an emissions event that occurred at NGL Sphere 848 on March 16-17, 2004.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to prevent the unauthorized release of ten lbs of benzene from NGL Shpere 848 on March 16-17, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:9193A/PSD-TX-453M6, MAERT PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - SSM activities, during an emissions event which began on February 8, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, SC 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Two emissions events occurred respectively on July 14 and July 22, 2004, at EPN 41NORTHFLARE, with respective durations of 53.33 and 14.97 hrs, emitting significant quantities of SO2 and H2S.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, SC 4 PERMIT

54026, SC 5C PERMIT

Description: TOTAL has failed to properly operate EPN 53SOUTHFLR. During an 18 min time period beginning at 15:45 on July 23, 2004, EPN 53SOUTHFLR smoked for a period of six min and two seconds.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable rate for the South Flare (EPN 142) during an emissions event which started on September 21, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:9193A/PST-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - SSM activities. Two such events began on August 16 and September 21, 2003, respectively.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Regional Office within 24 hrs of the reportable emissions events of February 8 - 22, 2003, with respect to EPN 307 and the reportable emission events of September 21, 2003, with

respect to EPNs 307 and 142.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record containing a compound descriptive type of all individually listed compounds to have been released during SSM activity, their estimated total quantities, and the authorized emissions limits for applicable compounds. Twenty-five incomplete final reports were submitted or missing for emissions event occurring between December 31, 2003, and August 18, 2004. Note that some emissions events had two such reports, one for VOC and one for other emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record no later than two weeks after the end of the scheduled SSM activity. The plant failed to submit a final records as required for an emissions event which began January 30, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable limits. There are 16 emissions events between December 31, 2003, and August 18, 2004, which exceeded the MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:9195A/PSD-TX-453M6, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable limit on December 31, 2003, when EPN 41NORTHFLR released 27,704.51 lbs of SO2 for 4.55 hrs in excess of its 4.13 lbs/hr limit; CO, NOx and VOC emissions were not reported.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:43109, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission event releases in excess of the MAERT limit of 38 lbs/hr for SO2 and 1.88 lbs/hr for H2S: on May 23, 2004, during a 2 hr and 22 min period, 93.49 lbs of H2S and 9,380 lbs of SO2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:TCEQ Air Permit No. 9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission events in excess of the MAERT limit of 38 lb/hr for SO2 and 1.88 lb/hr for H2S: on April 1, 2004, during a 5 hr and 5 min period, 211.65 lb of H2S and 21,036 lb of SO2.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Regional Office of the reportable emissions event of August 16 - 17, 2003, on two occasions with respect to EPN 307.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly submit a final record for 24 emission events with respect to common name of area, complete identification and quantification of emitted compounds, or related limits: 10 which began on January 26, February 12, March 26 and 28, and April 11, 21, 22 (two reports), and 28, 2004, respectively; another five reports for emissions events beginning on July 14; and ten other reports for events beginning on July 22, 2004.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on January 26, 2004, (EPN) 55RGNFLUGS at the FCCU released 13,491.01 lbs of CO in excess of limits and 12,714.71 lbs of SO2 in excess of limits, intermittently for 72 hrs during a 356 hr period; no information available on the amount of PM released.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to prevent unauthorized emissions releases. Eleven emissions events occurred between February 12 and July 23, 2004, during which SO2, H2S, VOCs, CO, and NOx from EPNs 41NORTHFLARE, 53SOUTHFLR, or 53MIDFLARE.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:TCEQ Air Permit No. 49743 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits. Specifically, on October 15, 2004, EPN 22TANK0475 at Tank 475 released approximately 3,358 lbs of VOCs in excess of permitted limits during a 209 hr period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record no later than 2 weeks after the end of the emissions event or scheduled activity causing the emissions. 3 final record reports were late: (1) for a scheduled emission event which ended on June 13, 2003, submitted late on July 3, 2003; (2) for the emissions event which started on April 21 and ended on April 22, 2004, submitted on May 11, 2004; and (3) for the emissions event that began on April 28 and ended on April 29, 2004, submitted on May 14, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on June 13, 2003, during a 3 hr 2 min period, the South Flare, EPN 142, released 5,073.07 lbs of SO2 in excess of the limit of 0.34 lbs/hr.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:9195A/PSD-TX453M6, SC 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable emission limits. Two emissions events occurred at the Tail Gas Thermal Oxidizer (EPN 125): (1) on July 14, 2004, during a 10.76 hr period, 44,784.01 lbs of SO2 and 469.74 lbs of H2S were emitted in excess of limits; (2) on July 23, 2004, for a 12.27 hr duration, 63,673.00 lbs of

SO2 and 672.32 lbs of H2S were emitted above limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to completely speciate the VOC emissions in the final reports for emissions events that began on September 16 and October 15, 2004, and to specify the presence and quantity of CO released during an April 22, 2005, emissions event in its final report.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(5)  
30 TAC Chapter 101, SubChapter F 101.211(b)(8)

30 TAC Chapter 101, SubChapter F 101.211(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to include all of the required information in the final reports submitted for the emission event reporting. Specifically, the missing information included failure to identify the Facility Identification Number or the EPN, contain the compound descriptive type, and the estimated total quantities emitted for Incident Numbers: 40432, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462, 42608, 42751, 42824, 42922, 42923, 42925, 43572, 45280, 38844, 38845, 38846, 38847, 38848, 39

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final report within two weeks if the information differs from the information provided in the initial notification. Specifically a final report was not submitted for Incident No. 40025 within 14 days. Also failed to submit the initial reports within 24 hrs for Incidents 39529 and 39788.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936, PSD-TX-762M2, General Condition 8 PERMIT  
49743, Maximum Allowable Emission Rates PERMIT  
54026, SPECIAL CONDITION 1 PERMIT  
9195A, PSD-TX-453M6 (SC-1) PERMIT  
PSD-TX-453M6, MAES - Special Condition 2 PERMIT

Description: TOTAL has emitted into the atmosphere unauthorized air contaminants during 15 emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:9195A/PSD-TX-453M6, Special Condition 1 PERMIT  
Permit No. 49743, (SC-1) PERMIT  
Permit No. 54026, (SC-1) PERMIT  
Permit No. 9193A, PSD-TX-453M6, (SC-2) PERMIT

Description: TOTAL has emitted into the atmosphere unauthorized air contaminants during 4 emission events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits during two emissions events. Specifically, beginning on September 16, 2004, EPN 53SOUTHFLR at the Area 1 East End Complex released approx. 254 lbs of H2S and 2,247 lbs of VOC in excess of permitted limits during a 1.08 hr period; beginning on November 14, 2004, EPN 41NORTHFLR at the Area 2 FCCU released approx. 86 lbs of H2S, 1,574 lbs of SO2, and 7964 lbs of VOC in excess of permitted limits during a 20.27 hr period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
30 TAC Chapter 101, SubChapter F 101.201(g)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to electronically submit the final report for the emissions event that began on November 14,

2004, and to notify the TCEQ within 24 hrs of the April 22, 2005, emissions event.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits. Beginning on April 22, 2005, EPN 55RGNFLGS at the Area 2 FCCU released approximately 377 lbs of NOx in excess of permitted limits during a 7 hr period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2, Special Condition 1A PERMIT

18936/PSD-TX-762M2, Special Condition 8 PERMIT

Description: TOTAL has failed to maintain the SO2 and NOx concentrations below the maximum allowable limits. FCCU flue gas vent stack's CEMS documented an average hourly SO2 concentration greater than 50 ppm by volume from 2015 to 2115 and from 2200 to 2400 hrs and an average hourly NOx concentration greater than 70 ppm from 0815 to 1115 and from 1145 to 1830 on April 22, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to notify the Beaumont Regional Office within 24 hrs of a reportable emissions event. The event was discovered on October 31, 2004 at 0919 hrs and was reported on November 1, 2004 at 1132 hrs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2 PERMIT

18936/PSD-TX-762M2, Special Condition 1A PERMIT

Description: TOTAL has failed to maintain an emission rate below the authorized emission limit. Unauthorized emissions of 7350.56 lbs of SO2 were released from the Wet Gas scrubber on October 31, 2004. Additionally, the SO2 concentration was not maintained below the maximum allowable limit of 50 ppm during the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:49743 PERMIT

Description: TOTAL has failed to prevent unauthorized VOC emissions of 432 lbs on November 8, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, Special Condition 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 1648.76 lbs of SO2 during a one hr thirty-six min emissions event which occurred at the South Flare on May 3, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain the VOCs emission rate below 7.56 lbs/hr. at the FPM Cooling Tower between May 17, 2005, and December 15, 2005. Cooling tower leaks occurring on May 31, July 20, September 7 - 27, and December 14 - 15, 2005 released 23,267.28, 11,899.72, 11,842 and 18,637.12 lbs of unauthorized VOCs respectively.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter P 106.371  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:BY RULE 106.371 PERMIT

Description: TOTAL has failed to maintain the VOCs emission rate below 0.07 lbs/hr at the 805 Reformer Cooling Tower from March 15, until March 18, 2005 when unauthorized emissions of 560.8 lbs of benzene, 1062.6 lbs of toluene, and 88.8 lbs of xylene (a total of 1,712.2 lbs of VOCs) occurred.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit No. 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 1835.42 lbs of SO2 during a nine hr emissions event which occurred at the Middle Flare (EPN-53 MIDFLARE) on June 19, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Beaumont Regional Office of a reportable emissions event. Specifically, an emissions event began on June 19, 2005 at 11:45 hrs, but was not reported until June 20, 2005 at 15:53

hrs, in excess of the 24 hr reporting requirement.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit by Rule, Registration No. 72930 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from Tank 532 (EPN 22TANK0532) on August 19, 2005 due to an emissions event. Specifically, unauthorized emissions of 66.42 lbs of 1,2,4--Trimethylbenzene, 5.76 lbs of Ethylbenzene, 43.84 lbs of hexane, 4.21 lbs of isopropyl benzene, 172.92 lbs of toluene, 1620.24 lbs of VOC, and 194.61 lbs of xylene were released.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.165(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02222 OP

Description: TOTAL has failed to report the occurrence of deviations in a SDR, failed to submit an ACC, and failed to properly certify a SDR. Specifically, TOTAL failed to properly certify their SDR for the period of May 14, 2005 to November 13, 2005, failed to report a deviation in the November 14, 2005 to May 14, 2006 SDR, and failed to submit an ACC for the period of May 14, 2005 to May 14, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 99.28 lbs of H2S and 9,078.06 lbs of SO2 from Unit 835. The permitted limits for H2S and SO2 are 0.12 lbs/hr and 10.66 lbs/hr, respectively. The event occurred on July 17, 2006, and lasted for 5 hrs and 14 mins.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18963\PSD-TX-762M3, General Condition 8 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to maintain VOCs emissions below the allowable emissions rate. Specifically, 592,311 lbs of unauthorized VOC from the FPM Cooling Tower were released from July 12 through November 27, 2006, due to exchanger leaks within the saturated Liquids and Crude Units.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026, Special Condition 1 PERMIT

O-1267, General Terms & Conditions OP  
O-1267, Special Terms & Conditions 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 7.35 lbs of H2S and 675.88 lbs of SO2 during a 14.57 hr emissions event which occurred at the South Flare during the startup of Unit 804 on December 29, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:54026, Special Condition 1 PERMIT  
9195A and PSD-TX-453M6, SC 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 229.98 lbs of H2S, 22,144.41 lbs of SO2, 352.24 lbs of NOx, 666.45 lbs of Carbon Monoxide CO, 19.42 lbs of PM, 30.76 lbs of VOC, and 10.10 lbs of NH3 from the North and South Flares and the Sulfur Recovery Tail Gas Oxidizer during a 4 hr 40 minute emissions event on November 29, 2006.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:54026, Special Condition 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 13.51 lbs of H2S and 1264.68 lbs of SO2 from the North and South Flares during a 2 hr 42 min emissions event on December 10, 2006.

7 Effective Date: 10/04/2009 ADMINORDER 2009-0491-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-02222 OP

Description: Failure to submit an Annual Compliance Certification (ACC) no later than 30 days after the end of the reporting period. EIC A8 MOD (2)(B) HPV

8 Effective Date: 10/31/2009 ADMINORDER 2008-0413-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:54026, Special Conditions 1 PERMIT  
O-01267, Special Condition 26 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01267, Special Condition 2(F) OP

Description: Failure to properly report an emission event.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:56409, Special Condition 1 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
Rqmt Prov:20381, Special Condition 1 PERMIT  
O-02222, Special Condition 14 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:9195A, Special Condition 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 26 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:1267, General Terms and Conditions OP  
1267, Special Terms and Conditions 27 OP  
49136, General Condition 8 PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8(c)(2)(A)(ii) MOD(2)(D)

9 Effective Date: 03/20/2010 ADMINORDER 2009-1446-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:General Condition 8 PERMIT  
Special Condition 26 OP  
Description: Failure to maintain allowable emissions rates.

10 Effective Date: 07/11/2010 ADMINORDER 2009-1921-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:General Conditions OP  
Special Condition 1 PERMIT  
Special Condition 28 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:General Conditions OP  
Special Condition 1 PERMIT  
Special Condition 28 OP  
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c(2)(A)(ii) MOD (2)(D)

11 Effective Date: 08/09/2010 ADMINORDER 2009-2089-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Special Condition 1 PERMIT  
Special Condition 14 OP  
Description: Failure to maintain allowable emissions rates. A8c(2)(A)(ii).

12 Effective Date: 08/30/2010 ADMINORDER 2010-0257-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 28 OP  
Special Condition PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii) MOD (2)(D)

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 2F OP

Description: Failure to properly report emission events. EIC C3 MIN (3)(C)

13 Effective Date: 08/30/2010 ADMINORDER 2006-0561-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:20381/PSD-TX-1005/N-044 PERMIT  
O-02222/Special Condition 14 OP

Description: Failure to maintain the specific heat factors for the Condensate Splitter Heater EPN 40CSPLth-1. Specifically, on June 22, July 11, 22, and 23, August 3, September 20 and 28, and November 8, 2004, the CO heat specific factor of 0.011 pounds per million British Thermal Units ("lbs/MMBtu") per hour was exceeded for a total of 15 hours. Also, on July 10 and 22, 2004, the NOx heat specific factor of 0.08 lbs/MMBtu per hour was exceeded for a total of 22 hours.

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(15)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(1)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP O2222 General Terms and Conditions OP  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 9A OP

Description: Failure to include a certificate of accuracy and completeness signed by a responsible official in reports submitted to the ED. Specifically, the following reports were not certified by a responsible official: the 05/14/04 to 11/14/04, and 11/15/04 to 05/14/05, deviation reports for FOP No. 2222; the 05/14/04 to 05/14/05, annual compliance certification for FOP No. 2222; the 11/22/04 to 05/22/05, deviation report for FOP No. 1267; and the CEMS Certification Report submitted 10/28/05.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:20381/PSD-TX-1005/N-044 PERMIT  
O-02222/Special Condition 14 OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct the annual seal gap measurements on Tanks 800, 801, and 802 for the period covering May 14, 2004 to May 14, 2005.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:20381/PSD-TX-1005/N044 PERMIT  
O-02222, Special Condition 14 OP

Description: Failure to comply with the PM and VOC emission rates. Specifically, on February 17 and March 18, 2005, the Plant experienced heater duty exceedances during which the PM and VOC emission rates limits of 2.32 and 0.57 lb/hr, respectively, were exceeded for the condensate splitter heater EPN 40CSPLth-1.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to list a rule citation in the November 14, 2004 to May 14, 2005, semiannual deviation report for FOP No. 2222. Specifically, TOTAL failed to list 30 Tex. Admin. Code § 115.114(a)(2) as part of the requirements to physically measure Tanks 800, 801, 802, and 805 for seal gaps on an annual basis. Also, for the November 22, 2004 through May 22, 2005, reporting period TOTAL failed to report deviations for FOP 1267.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:18936/PSD-TX-762M2 PERMIT

Description: Failure to maintain the VOC emission rate at the FPM Cooling Tower. Specifically, due to leakage during a 44 hr, 6 minute period from January 12-14, 2005, the tower released 2,125.93 lbs of VOCs, which is 1,792.5 lbs above permitted limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:56382, Special Condition 19B PERMIT

56385, Special Condition 3 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to conduct and record daily calculations of Mixed Liquid Suspended Solids, food-to-microorganism ratios, and residence time. Specifically, records were not created and maintained for Aeration Tanks 403A, 403B, and 403C from November 22, 2004 through May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:5694A, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to comply with the fired duty rate at four emission units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct annual seal gap measurements on Tanks 22TANK0503, 67TANK0504, 67TANK0505, 20TANK2001, AND 20TANK2002.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct semiannual visual tank seal inspections. Specifically, TOTAL failed to conduct visual inspections between November 22, 2004 and May 22, 2005, on 28 floating roof tanks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(I)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:16840/PSD-TX-688M2, Special Condition 2 PERMIT  
16840/PSD-TX-688M2, Special Condition 4B PERMIT  
18936/PSD-TX-762M2, Special Condition 7 PERMIT  
18936/PSD-TX-762M2, Special Condition 8 PERMIT  
2347, Special Condition 5 PERMIT  
3615/PSD-TX-058, Special Condition 2 PERMIT  
43109, Special Condition 3A PERMIT  
43109, Special Condition 3B PERMIT  
43109, Special Condition 5 PERMIT  
55684, Special Condition 7 PERMIT  
9194A/PSD-TX-453M6, Special Condition 3 PERMIT  
9195A/PSD-TX-436M6 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to maintain emission limits in seven emissions areas.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1D OP

Description: Failure to submit a FOP revision application no later than April 11, 2005, to codify 40 C.F.R. ch. 63, subpart UUU, into the permit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:54026, Special Condition 5D PERMIT

54026, Special Condition 6 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to install and operate a continuous flow monitor/analyzer within 18 months (April 8, 2005) of permit issuance on October 2, 2003. Specifically, analyzers had not been installed on the North, Middle, or South flares.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:9195A/PSD-TX-453M6, Special Condition 6 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to maintain the minimum sulfur recovery efficiency of the Sulfur Recovery Unit ("SRU"). Specifically, from June 30 until July 5, 2005, the sulfur recovery efficiency at the SRU (SRU 1 and 3) was less than 99.9%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(I)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 15(a) OP

Description: Failure to conduct annual monitoring of benzene containers. Specifically, TOTAL failed to conduct annual monitoring on vacuum trucks managing benzene waste at the Plant for the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 15(a) OP

Description: Failure to conduct quarterly visual inspections of benzene containers. Specifically, TOTAL failed to conduct quarterly visual inspections on vacuum trucks managing benzene waste at the Plant during the first three quarters of the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:56385, Special Condition 12L PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to conduct quarterly visual inspections of unburied sewer lines. Specifically, TOTAL did not conduct quarterly visual inspections on unburied VOC-bearing sewer lines on the Wastewater Collection and Treatment System between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:56385, Special Condition 9A PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to conduct daily VOC breakthrough monitoring. Specifically, the Carbon Absorption System (CAS) at the Plant was not monitored on weekends from November 22, 2004 through November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)

5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:O-01267, Special Condition 15(a) OP

Description: Failure to install a car-seal on the CAS. Specifically, from May 22 to November 21, 2005, the CAS did not have a car-seal or other closure to serve as a flow indicator of bypass conditions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct monthly valve monitoring. Specifically, TOTAL is limited to seven (less than 3%) difficult-to-monitor valves; however, eight valves (3.2%), listed as difficult-to-monitor, out of 243 valves at the 829 Amine Unit, were not monitored on a monthly basis during the first quarter of the November 22, 2004 to November 21, 2005 period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to explain and authorize the delay of repair of VOC component leaks in a semiannual report. Specifically, the delay of repair explanation and authorization signature were not submitted for five components at 812-ACU1 in the deviation report for FOP 1267 covering May 22 to November 21, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to notify the agency 30 days prior to a seal gap test. Specifically, TOTAL failed to notify the TCEQ of TOTAL's intent to conduct a seal gap test on Tanks 22TANK0505, 22TANK0482, and 22TANK0530.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 24 OP

Description: Failure to maintain the proper temperature at the Reformer Unit. Specifically, from September 5 to September 7, 2005, the Reformer Unit did not maintain the proper required temperature established by testing.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:O-01267, Special Condition 24 OP

Description: Failure to use an EPA-approved method to identify chlorides. Specifically, on 99 occasions from May 22 until November 21, 2005, TOTAL did not use an EPA-approved method to identify chlorides on the Catalytic Cracking

Regenerator ("CCR") catalyst.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:46396, Special Condition 4 PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to maintain the proper temperature at the Dock Flare 2 Stack. Specifically, on 50 occasions from May 22 to November 21, 2005, the firebox exit temperature was less than 1580 degrees F.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:17920, Special Condition 9A PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to conduct audio, visual, and olfactory (AVO) checks at least once per shift. Specifically, AVO checks for VOC, ammonia, and hydrogen sulfide at the Sour Water Stripper Facility were not conducted from May 22, to July 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:2347, Special Condition 8A PERMIT  
O-01267, Special Condition 27 OP

Description: Failure to conduct AVO checks for leaks every four hours. Specifically, AVO checks at the DHT-1 and DHT-2 Units were not conducted from May 22 until July 27, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:9195A/PSD-TX-453M6, SC 5 PERMIT  
O-01267, SC 27 OP

Description: Failure to maintain reactor flame temperature. Specifically, from December 6, 2004 to January 31, 2005, February 13 through 23, 2005, March 18 to April 29, 2005, and May 6 through 23, 2005, the reactor flame temperature of 2200 degrees F (amended on July 7, 2005, to 2114 degrees F) was not maintained at SRU 3.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct visual inspections on internal floating roof tank seals. Specifically, TOTAL failed to conduct annual visual inspections on the roof seals for tanks 22TANK0926, 50TANK0928, 50TANK0929, and 50TANK0930 for the period ending May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roofs. Specifically, TOTAL failed to conduct annual seal gap measurements on 23 tanks for the period ending May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01267, Special Condition 1A OP

Description: Failure to conduct seal gap inspections on external floating roof storage tanks. Specifically, TOTAL failed to conduct annual seal gap inspections for the period ending May 22, 2005, for tank 22TANK0938.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit correct semi-annual reports. Specifically, TOTAL failed to specify in two semi-annual reports from November 22, 2004 to November 21, 2005, whether actions taken during shutdowns, startups, and maintenance (SSM) were performed according to SSM plans.

14 Effective Date: 05/08/2011 ADMINORDER 2009-0131-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions No. 8 PERMIT  
Special Condition 1 PERMIT  
Special Condition 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for volatile organic compounds ("VOCs") were exceeded for 12 tanks during 2006: 22TANK0482 by 0.5 ton, 22TANK0516 by 0.042 ton, 22TANK0530 by 1.08 tons, 22TANK0537 by 0.18 ton, 22TANK0541 by 5.16 tons, 22TANK0542 by 4.95 tons, 22TANK0906

by 0.65 ton, 22TANK0907 by 0.65 ton, 22TANK0917 by 1.37 tons, 22TANK0918 by 1.72 tons, 22TANK0934 by 0.39 ton, and 20TANK2000 by 0.1 ton.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 27 OP  
Special Condition 8 PERMIT

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for five combustion sources were exceeded during 2006: 17REFREGEN by 2.7 tons for carbon monoxide ("CO"), 17REFREGEN by 0.8 ton for hydrogen chloride, 22BZNTKFLR by 0.77 ton for CO, 45DOCKFLR2 by 0.41 ton for VOC, 45DOCKFLR2 by 2.55 tons for nitrogen oxides ("NOx"), 51DHT1H-3 by 1.52 tons for NOx, 52DHT2H-2A by 3.83 tons for NOx.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267 General Terms and Conditions OP  
O-01267 Special Condition 2F OP

Description: Failed to properly report an emissions event. Specifically, the Respondent did not submit an accurate final report for Incident No. 115548. The Respondent failed to accurately document emission point names and numbers where the unauthorized emissions were released to the atmosphere, the compound descriptive type of all compounds released during the event, and the respective quantities of those compounds released

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267 General Terms and Conditions OP  
O-01267 Special Condition 26 OP  
Permit 54026 Special Condition 1 PERMIT  
Permit 9195A Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 115548. Specifically, an emissions event at the North Flare (41NORTHFLR), South Flare (53 SOUTHFLR), and Sulfur Recovery Unit (15SRUINCIN) occurred on October 16, 2008 releasing 37,937.78 pounds ("lbs") of sulfur dioxide and 362.12 lbs of hydrogen sulfide for a period of nine hours and 20 minutes.

15 Effective Date: 07/31/2011 ADMINORDER 2010-1300-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Condition 8 PERMIT  
Special Condition 1 PERMIT  
Special Condition 2 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Condition 8 PERMIT  
Special Terms and Conditions 28 PERMIT

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
Classification: Moderate  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Condition 8 PERMIT  
Special Condition 2 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT  
Special Condition 3 PERMIT  
Special Terms and Condition 28 OP

Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 8 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 3 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain proper temperature at the chlorosorb inlet. EIC A8 C(1)(B) MOD (2)(G)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Condition 8 PERMIT  
Special Condition 1 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 4 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to authorize Tank 586, EPN 22TANK0586, for its current service. EIC A2.c MOD (2)(G)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT  
Special Condition 28 OP

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 18 PERMIT  
Special Condition 19 PERMIT  
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in. MOD (2)(D)

16 Effective Date: 08/27/2011 ADMINORDER 2011-0260-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:PSD-TX-1005, Special Condition 1 PERMIT  
PSD-TX-1005, Special Condition 12 PERMIT  
Special Condition 17 OP

Description: Failure to maintain allowable emissions rates and firing rates at Emission Point Number (EPN) 40CSPLTH-1. EIC A8c.(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O1267, Spec Terms and Cond No 29 OP

Permit No. 5694A, Gen Cond No. 8 PERMIT

Permit Nos 18936 & PSDTX762M3, MAERT PERMIT

Permit Nos 18936 & PSDTX762M3, SC 8 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limit, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the carbon monoxide ("CO") hourly emission rate, exceeded the sulfur dioxide ("SO<sub>2</sub>") hourly emission rate, and exceeded the CO and SO<sub>2</sub> concentration limits at Emissions Point Number (ΔEPNΔ) 55RGNFLUGS, resulting in the total release of 600.07 lbs of CO and 628

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O1267, Spec Terms & Cond 29 OP

Permit No. 8983A, Spec Cond No 1 PERMIT

Permit Nos. 3615 and PSDTX058, GC 1 PERMIT

Permit Nos. 9194A and PSDTX453M6, SC 1 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, on January 8 and January 10, 2010, the Respondent exceeded the allowable hourly emissions rates for four heaters, resulting in the release of 6.53 lbs of SO<sub>2</sub>.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O1267 SC No 29 OP

Permit No. 43109, Spec Cond No 3 PERMIT

Permit No. 43109, Spec Cond No 8 PERMIT

Permit Nos 9195A & PSDTX453M6 SC 1 PERMIT

Permit Nos 9195A & PSDTX453M6 SC 3A ORDER

Permit Nos 9195A and PSDTX453M6 SC 5 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limits, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the CO hourly emission rate and exceeded the NO<sub>x</sub> concentration limit at EPN 61STACKBLR, resulting in the total release of 1,090.14 lbs of CO. The Respondent exceeded the CO hourly emission rate, exceeded the SO<sub>2</sub> hourly emission rate, exceeded the hydrogen

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O1267, Spec Cond 29 OP

Permit Nos. 9193A & PSDTX453M6, SC 2 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the periods of January 1, 2010 to March 31, 2010 and October 1, 2010 to December 31, 2010, the Respondent exceeded the CO hourly emission rate of 7.33 lbs/hr for 49 hours and the SO2 hourly emission rate of 2.64 lbs/hr for one hour at EPN 13UNIBH301, resulting in the total release of 173.28 lbs of CO and 0.62 lbs

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. 01267 SC 29 OP

Permit Nos. 46396 &PSDTX1073M1 SC 1 PERMIT  
Permit Nos. 46396 &PSDTX1073M1 SC 24 PERMIT  
Permit Nos. 46396 &PSDTX1073M1 SC 26 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, the concentration limit, and the minimum firebox temperature, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the period of October 1, 2010 to December 31, 2010, the Respondent exceeded the SO2 hourly emission rate of 55.31 lbs/hr for six hours and exceeded the H2S hourly emission rate of 0.03 lbs/hr for six hours at EPN 25RUINCIN, resulting in the total release of 454.56 lbs of SO2

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. 01267 SC 29 OP

PBR 30 Tex. Admin. Code § 106.472 PERMIT

Description: Failed to operate an emission source as represented in the authorization, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, from November 16, 2010 to December 20, 2010, the Respondent stored volatile organic compounds ("VOC") in Spent Acid Tank 923. The tank is authorized for spent acid and not for VOC service and is not equipped with proper control devices for VOC storage; therefore, all VOC emissions released from the tank are unauthorized. An

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. 01267 SC 29 OP

Permit No. 56385, Spec Cond No. 1 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, between April 21, 2010 and December 6, 2010, the Respondent exceeded the allowable VOC hourly emissions rates for 21 EPNs during 70 monitoring events, resulting in the total release of 270.259 lbs of VOC.

18 Effective Date: 08/02/2012 ADMINORDER 2012-0087-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:46396, Special Condition 1 PERMIT

54026, Special Condition 1 PERMIT  
8983A, Special Condition 1 PERMIT  
FOP 1267, General Terms and Conditions OP  
FOP 1267, Special Condition 29 OP

Description: Failed to prevent unauthorized emissions, as documented during a record review conducted from September 7, 2011 through October 14, 2011. Specifically, the Respondent released 502.02 pounds ("lbs") of hydrogen sulfide, 48,346.12 lbs of sulfur dioxide, 137.72 lbs of nitrogen oxides, 67.24 lbs volatile organic compounds, and 33.06 lbs of carbon monoxide from the North, South, and East Flares, Coke Heater 2, the Distillate Hydrotreater 3 Heater, the Sulfur

- 19 Effective Date: 09/29/2012 ADMINORDER 2012-0335-AIR-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: and PSDTX1073M1, Special Condition 1 PERMIT  
 General conditions No. 8 PERMIT  
 Special Condition 29 OP  
 Description: Failed to prevent unauthorized emissions. Specifically, Respondent released 12,089.02 pounds ("lbs") of nitrogen oxides, 8,773.33 lbs of sulfur dioxide, 574.33 lbs of carbon monoxide, 526.13 lbs of volatile organic compounds, 173.55 lbs of particulate matter, and 91.93 lbs of hydrogen sulfide from the Coker Flare and the Cogeneration Stack during an avoidable emissions event (Incident Nos. 160291 and 160297) that began on October 7, 2011, and lasted 17 hours. The event was the result of hydrog

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

|         |                    |          |
|---------|--------------------|----------|
| Item 1  | April 03, 2008     | (618981) |
| Item 2  | April 07, 2008     | (640577) |
| Item 3  | April 09, 2008     | (636187) |
| Item 4  | May 08, 2008       | (646149) |
| Item 5  | May 09, 2008       | (654397) |
| Item 6  | May 13, 2008       | (689880) |
| Item 7  | May 14, 2008       | (646173) |
| Item 8  | June 13, 2008      | (653949) |
| Item 9  | June 18, 2008      | (654558) |
| Item 10 | June 23, 2008      | (433051) |
| Item 11 | July 08, 2008      | (683932) |
| Item 12 | July 09, 2008      | (683891) |
| Item 13 | July 18, 2008      | (680236) |
| Item 14 | July 20, 2008      | (686130) |
| Item 15 | July 22, 2008      | (686798) |
| Item 16 | August 01, 2008    | (683847) |
| Item 17 | August 02, 2008    | (686525) |
| Item 18 | August 11, 2008    | (710654) |
| Item 19 | September 26, 2008 | (710655) |
| Item 20 | November 03, 2008  | (710657) |
| Item 21 | November 25, 2008  | (704294) |
| Item 22 | December 08, 2008  | (709730) |
| Item 23 | December 15, 2008  | (721187) |
| Item 24 | December 30, 2008  | (707925) |
| Item 25 | January 14, 2009   | (727426) |
| Item 26 | January 23, 2009   | (723990) |
| Item 27 | February 11, 2009  | (750182) |
| Item 28 | February 20, 2009  | (724769) |
| Item 29 | February 25, 2009  | (722192) |
| Item 30 | March 15, 2009     | (750183) |
| Item 31 | March 25, 2009     | (738580) |
| Item 32 | April 02, 2009     | (741283) |
| Item 33 | April 08, 2009     | (738716) |
| Item 34 | April 14, 2009     | (741430) |
| Item 35 | April 23, 2009     | (743539) |
| Item 36 | June 03, 2009      | (743882) |

|         |                    |          |
|---------|--------------------|----------|
| Item 37 | June 10, 2009      | (768294) |
| Item 38 | June 19, 2009      | (748246) |
| Item 39 | July 28, 2009      | (747611) |
| Item 40 | July 29, 2009      | (762923) |
| Item 41 | August 17, 2009    | (804455) |
| Item 42 | August 27, 2009    | (767640) |
| Item 43 | August 31, 2009    | (763762) |
| Item 44 | September 09, 2009 | (804456) |
| Item 45 | October 05, 2009   | (766803) |
| Item 46 | October 13, 2009   | (766561) |
| Item 47 | October 16, 2009   | (804457) |
| Item 48 | October 19, 2009   | (767318) |
| Item 49 | October 23, 2009   | (764009) |
| Item 50 | November 03, 2009  | (780844) |
| Item 51 | November 05, 2009  | (778036) |
| Item 52 | November 10, 2009  | (781160) |
| Item 53 | November 18, 2009  | (804458) |
| Item 54 | November 24, 2009  | (782730) |
| Item 55 | December 01, 2009  | (781499) |
| Item 56 | December 09, 2009  | (784593) |
| Item 57 | December 14, 2009  | (804459) |
| Item 58 | December 23, 2009  | (784332) |

|         |                    |          |
|---------|--------------------|----------|
| Item 59 | December 29, 2009  | (784896) |
| Item 60 | January 15, 2010   | (804460) |
| Item 61 | February 08, 2010  | (788346) |
| Item 62 | February 09, 2010  | (787401) |
| Item 63 | February 15, 2010  | (786380) |
| Item 64 | February 17, 2010  | (791215) |
| Item 65 | March 10, 2010     | (830807) |
| Item 66 | March 23, 2010     | (793733) |
| Item 67 | March 30, 2010     | (795174) |
| Item 68 | April 12, 2010     | (797840) |
| Item 69 | April 13, 2010     | (797733) |
| Item 70 | April 16, 2010     | (798879) |
| Item 71 | April 26, 2010     | (795684) |
| Item 72 | May 06, 2010       | (796813) |
| Item 73 | May 28, 2010       | (824387) |
| Item 74 | June 02, 2010      | (803580) |
| Item 75 | June 10, 2010      | (846243) |
| Item 76 | June 17, 2010      | (803554) |
| Item 77 | July 13, 2010      | (860839) |
| Item 78 | August 13, 2010    | (830163) |
| Item 79 | September 14, 2010 | (873876) |
| Item 80 | September 16, 2010 | (864088) |
| Item 81 | September 20, 2010 | (844707) |
| Item 82 | October 18, 2010   | (881477) |
| Item 83 | October 28, 2010   | (869954) |
| Item 84 | October 29, 2010   | (872259) |
| Item 85 | November 03, 2010  | (864116) |
| Item 86 | November 18, 2010  | (888008) |
| Item 87 | December 17, 2010  | (896210) |
| Item 88 | January 20, 2011   | (886654) |
| Item 89 | February 12, 2011  | (894703) |
| Item 90 | March 11, 2011     | (916319) |
| Item 91 | April 08, 2011     | (924760) |
| Item 92 | May 24, 2011       | (908045) |
| Item 93 | June 10, 2011      | (914692) |
| Item 94 | June 17, 2011      | (945323) |
| Item 95 | August 10, 2011    | (933596) |

|          |                    |           |
|----------|--------------------|-----------|
| Item 96  | August 29, 2011    | (933491)  |
| Item 97  | September 12, 2011 | (951969)  |
| Item 98  | September 22, 2011 | (956724)  |
| Item 99  | October 11, 2011   | (971351)  |
| Item 100 | October 12, 2011   | (952093)  |
| Item 101 | October 14, 2011   | (958045)  |
| Item 102 | November 11, 2011  | (977511)  |
| Item 103 | November 29, 2011  | (958801)  |
| Item 104 | November 30, 2011  | (969375)  |
| Item 105 | December 09, 2011  | (984277)  |
| Item 106 | December 16, 2011  | (974564)  |
| Item 107 | January 13, 2012   | (990579)  |
| Item 108 | January 19, 2012   | (976971)  |
| Item 109 | February 07, 2012  | (982732)  |
| Item 110 | February 17, 2012  | (980732)  |
| Item 111 | February 24, 2012  | (988060)  |
| Item 112 | April 16, 2012     | (1010027) |
| Item 113 | April 19, 2012     | (988208)  |
| Item 114 | April 30, 2012     | (997171)  |
| Item 115 | May 08, 2012       | (1002073) |
| Item 116 | May 16, 2012       | (1002274) |
| Item 117 | May 18, 2012       | (1016422) |
| Item 118 | May 30, 2012       | (1002953) |
|          |                    |           |
| Item 119 | June 09, 2012      | (1008869) |
| Item 120 | July 27, 2012      | (1021025) |
| Item 121 | August 09, 2012    | (1015946) |
| Item 122 | August 10, 2012    | (1037914) |
| Item 123 | August 16, 2012    | (1022467) |
| Item 124 | August 20, 2012    | (1027339) |
| Item 125 | August 21, 2012    | (1021951) |
| Item 126 | September 12, 2012 | (1028012) |
| Item 127 | September 17, 2012 | (1046642) |
| Item 128 | September 18, 2012 | (1031369) |
| Item 129 | October 15, 2012   | (1036834) |
| Item 130 | October 26, 2012   | (1027738) |
| Item 131 | November 12, 2012  | (1060789) |
| Item 132 | November 15, 2012  | (1037017) |
| Item 133 | November 19, 2012  | (1042247) |
| Item 134 | December 11, 2012  | (1060790) |
| Item 135 | January 08, 2013   | (1051134) |
| Item 136 | February 05, 2013  | (1053207) |
| Item 137 | February 11, 2013  | (1055972) |

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |  |                          |
|---|--|--------------------------|
| 1 | Date: 04/03/2012 (994609)  | CN600582399              |
|   | Self Report? NO  | Classification: Moderate |
|   | Citation: & PSDTX1073M1, SC 3A PERMIT<br>30 TAC Chapter 101, SubChapter A 101.20(3)<br>30 TAC Chapter 116, SubChapter B 116.115(c)<br>30 TAC Chapter 122, SubChapter B 122.143(4)<br>5C THSC Chapter 382 382.085(b)<br>Special Condition 29 OP |                          |
|   | Description: Failure to maintain minimum thermal oxidizer fire box exhaust temperature at Emission Point Numbers (EPNs) 45DOCKTO1 and 45DOCKTO2.<br>EIC B19(g)(1) MOD (2)(G)   |                          |
|   |  |                          |
| 2 | Date: 04/03/2012 (994608)  | CN600582399              |
|   | Self Report? NO  | Classification: Moderate |
|   | Citation: & PSDTX453M6, SC 1 PERMIT<br>30 TAC Chapter 101, SubChapter A 101.20(3)  |                          |

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain allowable emissions rates at Emission Point Number (EPN) 01VACTH301.  
EIC B14 MOD(2)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC 1A OP

Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.  
EIC C10 MIN (3)(D)

Self Report? NO Classification: Moderate

Citation: & PSDTX1073M1, Special Condition (SC) 26 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain minimum SRU fire box temperature at EPN 25SRUINCIN and 36SRUINCIN.  
EIC B19.g(1) MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)  
5C THSC Chapter 382 382.085(b)  
SC 1A OP

Description: Failure to provide 30 day notification of seal gap inspections for 10 tanks.  
EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate

Citation: & PSDTX1073M1, SC 17 PERMIT  
& PSDTX1073M1, SC 18 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain allowable throughput rates at Docks 1 and 3.  
EIC B18 MOD (2)(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(3)  
5C THSC Chapter 382 382.085(b)  
SC 1 PERMIT  
SC 29 OP

Description: Failure to maintain allowable emissions rates and firing rates at EPN 10DEMEXH-4.  
EIC B14 MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP  
SC 4.A PERMIT

Description: Failure to maintain the minimum heating value of 300 British thermal unit per standard cubic foot (Btu/scf) in the combined assist gas and waste stream to the

North Flare, EPN 41NORTHFLR.  
EIC B19.g(1) MOD(2)(D)

Self Report? NO Classification: Moderate  
Citation: & PSDTX1073M1, SC 15(f) PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain Tank 517's exterior surface as white or aluminum.  
EIC B19g.(1) MOD (2)(G)

Self Report? NO Classification: Moderate  
Citation: & PSDTX762M3, SC 9 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain gas pressure drop and liquid to gas ratio above the hourly limits within the FCCU Regenerator.  
EIC B19g.(1) MOD (2)(G)

Self Report? NO Classification: Moderate  
Citation: & PSDTX1073M1, SC 1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to maintain allowable emissions rates and firing rates at EPN 06VDU2CHTR.  
EIC B14 MOD(2)(D)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(b)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP  
SC 4.b PERMIT

Description: Failure to operate the North Flare, EPN 41NORTHFLR with a flame present.  
EIC B19.g(1) MOD(2)(D)

Self Report? NO Classification: Moderate  
Citation: & PSDTX453M6, SC 19 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 29 OP

Description: Failure to conduct required testing of ammonia concentration in the acid gas exiting the waste heat boiler in each sulfur train at least twice a year at SRUs 1 & 3, EPN 15SRUINCIN.  
EIC B1 MOD (2)(A)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failure to provide notification of deviations.  
EIC C3 MIN (3)(C)

Self Report? NO Classification: Moderate  
Citation: & PSDTX1073M1, SC 5(D) PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition (SC) 29 OP

Description: Failure to calculate hourly mass emission rates from the continuous flow monitor at the Coker Flare, EPN 30CKRFLR.  
EIC B1, MOD (2)(A)

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1).  
Description: Failure to meet the limit for one or more permit parameter

4 Date: 06/30/2012 (1031538) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

5 Date: 07/31/2012 (1021520) CN600582399  
Self Report? NO Classification: Moderate  
Citation: PC 2(g) PERMIT  
Description: Failure by Total Petrochemicals USA, Inc. to prevent the discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall.  
Self Report? NO Classification: Moderate  
Citation: ELMR 1 PERMIT  
Description: Failure by Total Petrochemicals USA, Inc. to discharge compliant effluent for total suspended solids at Outfall 005.

6 Date: 08/07/2012 (1015020) CN600582399  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(g)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27 OP  
Special Condition 4 PERMIT  
Description: Failure to submit 2 Flare stack test reports within 60 days after sampling was completed.

7 Date: 09/30/2012 (1060788) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

8 Date: 01/03/2013 (1049490) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 7 PERMIT  
Description: Failure to submit the Cogen Fuel Gas Drum CEMS Relative Accuracy Test Audit (RATA) report within 60 days after testing.

#### F. Environmental audits:

Notice of Intent Date: 11/14/2008 (721343)  
No DOV Associated

Notice of Intent Date: 02/13/2009 (740077)  
Disclosure Date: 08/14/2009  
Viol. Classification: Moderate  
Citation: 40 CFR Part 61, Subpart FF 61.355(c)(3)

Description: Failure to collect a minimum of three representative samples form each waste stream.

Notice of Intent Date: 09/08/2009 (776664)  
No DOV Associated

Notice of Intent Date: 11/30/2011 (981069)  
No DOV Associated

#### G. Type of environmental management systems (EMSs):

1 12/30/2009 12/30/2012 ENVIRONMENTAL MANAGEMENT SYSTEM

30 TAC CERTIFIED

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TOTAL PETROCHEMICALS &  
REFINING USA, INC.  
RN102457520

§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2013-0298-AIR-E

I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Total Petrochemicals & Refining USA, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical refinery at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about May 20, 2012, July 30, 2012 and January 8, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-One Thousand One Hundred Eighty-Eight Dollars (\$21,188) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Four

Hundred Seventy-Six Dollars (\$8,476) of the administrative penalty and Four Thousand Two Hundred Thirty-Seven Dollars (\$4,237) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eight Thousand Four Hundred Seventy-Five Dollars (\$8,475) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented following corrective measures at the Plant:
  - a. By August 20, 2012, conducted training sessions for personnel that are responsible for operating the transfer piping circuit. This training reviewed the circumstances of the emissions event on April 11, 2012, and the importance of clear cross communication to prevent a recurrence of Incident No. 167076; and
  - b. By October 10, 2012, prepared a procedure specific to adding oxygen when the oxygen skid is in operational condition which provides warning statements on the control scheme in order to prevent a recurrence of Incident Nos. 16359 and 172005. The Respondent also posted these procedures to the Respondent's Intranet and is also reflected in the Operations Manual for Sulfur Recovery Units ("SRU") 4 and 5, Volume II, Procedure No. 1.2.12.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1267, General Terms and Conditions and Special Terms and Conditions No. 27, and New Source Review Permit Nos. 46396, PSDTX1073M2, and No44, Special Conditions No. 1, as documented during an investigation conducted on April 13, 2012. Specifically, during an emissions event that occurred on January 10, 2012 and lasted five hours (Incident No. 163579), the Respondent released 960.27 pounds of sulfur dioxide. The release occurred when an operator manually entered two commands that changed the output of the Coarse Air Ratio causing SRU5 to shutdown. Since the emissions event was avoidable, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit Nos. 20381, PSDTX1005, and No44, Special Conditions No. 1, and Federal Operating Permit No. O1267, Special Terms and Conditions Nos. 1.A. and 29, as documented during an investigation conducted on June 29, 2012. Specifically, during an emissions event that occurred on April 11, 2012 and lasted one hour (Incident No. 167076), the Respondent released 61.57 pounds of unauthorized volatile organic compounds from Tank 809 (Emission Point No. 22BZNTKFUG). The event occurred due to a lack of communication between two operators as product was being transferred between two tanks. Since the emissions event could have been avoided through better operator training, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit Nos. 46396, PSDTX1073M1, and No44, Special Conditions No. 1, and Federal Operating Permit No. O1267, Special Terms and Conditions No. 29, as documented during a record review conducted on October 31, 2012. Specifically, during an emissions event that occurred on August 2, 2012 and lasted two hours (Incident No. 172005), the Respondent released 931.18 pounds of sulfur dioxide from SRU5, Emission Point Number 36SRUINCIN. This emissions event occurred due to a malfunction of equipment at Unit 881 which caused the environmental control at SRU5 to experience elevated emissions. Since this event was avoidable due to operator error, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Total Petrochemicals & Refining USA, Inc., Docket No. 2013-0298-AIR-E" to:  
  
Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand Four Hundred Seventy-Five Dollars (\$8,475) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

Total Petrochemicals & Refining USA, Inc.  
DOCKET NO. 2013-0298-AIR-E  
Page 6

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Ramon Garcia*  
For the Executive Director

9/25/13  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Nigel Tranter*  
Signature

08/16/13  
Date

NIGEL TRANTER  
Name (Printed or typed)  
Authorized Representative of  
Total Petrochemicals & Refining USA, Inc.

REFINERY MANAGER  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

**Attachment A**  
**Docket Number: 2013-0298-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Total Petrochemicals & Refining USA, Inc.

**Penalty Amount:** Sixteen Thousand Nine Hundred Fifty-One Dollars (\$16,951)

**SEP Amount:** Eight Thousand Four Hundred Seventy-Five Dollars (\$8,475)

**Type of SEP:** Contribution to a Third-Party Pre-Approved SEP

**Third-Party Recipient:** Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station

**Location of SEP:** Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at [http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site\\_info.pl](http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl).

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission  
Bob Dickinson, Director of Transportation & Environmental Resources  
Attention: SEP  
2210 Eastex Freeway  
Beaumont, Texas 77703

**3. Records and Reporting**

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in No. 3

Total Petrochemicals & Refining USA, Inc.  
Agreed Order - Attachment A

above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

#### **5. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

#### **6. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### **7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.